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JOURNAL

OF THE

SENATE OF ALABAMA,

SESSION OF 1871-2;

12

HELD IN THE

CITY OF MONTGOMERY,

Commencing on the Second Monday in November, 1871.

WITH AN INDEX,
PREPARED BY THE SECRETARY OF STATE

* MONTGOMERY, ALA.:
W. W. SCREWS, STATE PRINTER.

1872.

JOURNAL.

MONTGOMERY, ALABAMA, }
Monday, Nov. 20, 1871. }

Be it remembered, that this being the third Monday in November, 1871, the day fixed by law for the Annual meeting of the General Assembly of the State of Alabama, at the hour of twelve (12) o'clock, meridian.

Hon. E. H. Moren, Lieutenant Governor and President of the Senate, called the Senate to order.

PRAYER.

Prayer by Mr. Lambert, of the Senate.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Buckley, Coon, Farden, Glass, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Oliver, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—20.

LEAVES OF ABSENCE.

Mr. Worthy moved that Mr. Jones have indefinite leave of absence.

Mr. Lambert moved to amend said motion so as to grant leave of absence until he takes his seat, but without pay.

Said amendment was adopted, and thus amended the motion was carried.

Mr. President laid before the Senate a telegram from Mr. Pennington, asking leave of absence on account of sickness in his family, which was read and leave of absence granted.

Mr. President also communicated a telegram from Mr. Bromberg, asking leave of absence until to-morrow morning, which was read.

On motion, said leave was granted for one day, but without pay.

CREDENTIALS.

The certificate of election of Mr. J. M. Martin, Senator elect from the 9th Senatorial District, was read; whereupon, Mr. Martin came forward and was duly qualified according to law by Mr. President, and took his seat.

RESOLUTIONS.

Mr. Sevier offered the following resolution, which was afterwards withdrawn with leave of the Senate:

Resolved, That the Senate do now go into the election of a Chaplain for the present session.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 20, 1871. }

Mr. President:

I am instructed to inform the Senate that the House is now organized and ready to proceed to business.

ELLIS PHELAN,
Clerk House of Representatives.

RESOLUTION.

Mr. Whitney offered the following resolution, which was read and adopted:

Resolved, That a committee of three on the part of the Senate be appointed by the President of the Senate, to act with a like committee of the House, whose duty it shall be to wait upon the Governor and inform him that the two Houses of the General Assembly are organized and ready to receive any communication which he may have to make.

Messrs. Whitney, Farden, and Martin of Tuscaloosa, were appointed a committee on the part of the Senate.

MOTION TO ELECT CHAPLAIN.

Mr. Coon moved to go into the election of a Chaplain for the present session.

On motion of Mr. Worthy, said motion was indefinitely postponed. Yeas 13, nays 7.

Those who voted in the affirmative are—

Messrs. Buckley, Farden, Glass, Lambert, McAfee, Mahan, Martin of Tuscaloosa, Oliver, Sanford, Sevier, Stow, Whitney and Worthy—13.

Those who voted in the negative are—

Messrs. Coon, Lentz, Mabry, Martin of Russell, Sibley, Wise and Yordy—7.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 20, 1871. }

Mr. President :

The House of Representatives concurs in the resolution of the Senate proposing the appointment of a joint committee of the two houses to wait upon the Governor and notify him that the two Houses of the General Assembly are now organized and ready to proceed to business.

Messrs. Turner, Bullock and McCall are the committee on the part of the House.

ELLIS PHELAN,
Clerk House of Representatives.

RECESS.

On motion, the Senate took a recess for twenty minutes. After the expiration of the recess, the Senate was called to order.

REPORT OF JOINT COMMITTEE.

Mr. Whitney, from the joint committee to wait upon the Governor, reported that the committee had discharged that duty, and that the Governor informed them that he would be ready to communicate a message at 11 o'clock to-morrow morning.

Which report was received and the committee discharged. Senate then adjourned until 11 o'clock to-morrow morning

TUESDAY, November 21, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Wadsworth, of the Methodist Episcopal Church South, of this city.

ROLL CALL.

On the call of the roll, the following senators answered to their names :

Messrs. Bromberg, Buckley, Coon, Foster, Farden, Glass, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—25.

READING OF JOURNAL.

Journal of yesterday was read and approved.

MESSAGE FROM THE GOVERNOR.

A message was received from the Governor by the hands of his private Secretary, Col. John H. Gindrat, being

ANNUAL MESSAGE.

EXECUTIVE DEPARTMENT,

STATE OF ALABAMA,

Montgomery, Nov. 21, 1871. }

Gentlemen of the Senate, and

House of Representatives:

I respectfully submit, for your information, statements of the operations of the Government, in its several Departments during the past year, together with suggestions as to the legislation I deem necessary and proper to insure its satisfactory and successful administration in the future.

The changes and modifications which the Constitution of the State has undergone in recent years, have been so many, so essential and radical in their character, as to render legislation exceedingly onerous and difficult, to increase its respon-

sibility and to require the exercise of the highest degree of caution and patriotism. It may be justly said that the fortunes and destiny of Alabama have been entrusted to your guidance at a grave and momentous period in her history, and that the measure of her social and national prosperity for long years to come, will, to a great extent, be determined by the fidelity and prudence observed in the execution of the high and important trust.

As a member of the Federal Union, and at the same time a separate and distinct political sovereignty, the relations and obligations of Alabama are in their nature complex and twofold; yet these relations and obligations are easily ascertained, as they are well defined and clearly limited in the Constitutions of the Nation and of the State.

To the provisions and limitations contained in those instruments, all legislation should conform with inflexible precision; nor should it ever be forgotten that the most trifling and apparently insignificant disregard of the very least of their requirements is perilous to the liberties and immunities they are designed to preserve and perpetuate; that the severity of the restrictions can never justify their violation; that however much its mandates may differ from our peculiar opinions, or even from our cherished principles of right and justice, obedience to the Organic Law, while it remains such, is alike enjoined by the law itself, and demanded by the highest and most sacred interests of society.

A recognition and observance of these and kindred maxims are of especial and paramount importance at a crisis, when, by the will and power of sectional majorities, and when sectional passions and antagonisms maddened the popular heart and perverted the popular reason, Amendments affecting the very foundations of the Government, and introducing new and strange elements into our political being, have been engrafted upon our Constitutions, State and Federal. Yielding obedience to the provisions of such Amendments, is not even by implication an acknowledgment of their wisdom, a vindication of their justice nor an approval of the manner of their adoption. It is simply the discharge of a duty, incumbent on every citizen to maintain the Constitution as it is, to abide by it and support it by its integrity, until it is again altered or amended according to the forms itself prescribes. This is the true theory of constitutional government. Under it hardships and wrongs may be endured for a season, but the healing efficacy of time will always bring the remedy.

Confident that your legislation will be strictly confined within the boundaries of the organic laws of the land, I also respectfully urge upon you a constant practical observance of that wise and suggestive provision of the Constitution of the State, which declares that "no bill shall have the force of law until on three several days it be read in each House and free discussion be allowed thereon, &c." Experience sanctions the wisdom of this precautionary requirement, and it should never be departed from, unless the emergency is urgent and palpable. In this connection I cannot but revert to the unnecessary and expensive consumption of the time of former sessions in legislating upon subjects already provided for in the general laws of the State; and ask you to sedulously avoid it. The mere fact, that the General Assembly has the constitutional power to grant relief, does not justify its intervention, when that relief is easily accessible through statutes already enacted. The creation of free dealers and the transformation of minors into men is a very costly practice, were even the wisdom of the policy confirmed by experience.

CONDITION OF THE PEOPLE.

When it is remembered how severe and trying has been the ordeal to which the endurance of the people has been subjected—what a succession of reverses it has encountered, and how many hostile influences overcome, the present social condition of the State may be considered encouraging and the prospect cheering. Animated by a growing spirit of industry and economy, the people of Alabama, if their energies are not repressed by unfriendly laws, will soon retrieve their shattered individual fortunes and achieve for the State the full enjoyment of the prosperity and affluence, which the development of her vast natural wealth will surely bring to her. To promote and also to hasten this great and vital development, an increase of two agencies is eminently needed—an increase of capital and labor. Their influx from foreign countries, while it has been abundant into other and less inviting States, has hitherto been reluctant and slow into Alabama. This is not at all surprising—it is the natural consequence resulting from the world's want of confidence in our political stability, and the assertions of lawlessness and barbarism with which our moral and social character has been so persistently and wrongfully assailed—assailed often and wickedly, by those whom nature or duty had constituted its rightful defenders—

wantonly assailed by men representing Alabama in the Halls of the national Congress. Prudence on the part of the citizen, united to justice and circumspection in the administration of the Government, will counteract such malignant influences and remedy the damaging evil.

IMMIGRATION.

I recommend to your careful and earnest consideration the question of immigration. The infusion of new industrial energy and intelligence through the introduction of a vigorous, hardy and law abiding population from other climes and countries, could not fail to have a salutary and invigorating effect on all our industries, on our social and material interests. I suggest for your investigation, the propriety and the utility of the establishment of a Bureau of Immigration in connection with the office of the Commissioner of Industrial Resources. Such a bureau could be organized and conducted at very trifling expense to the State, compared with the advantages and benefits accruing from it.

INTERNAL IMPROVEMENTS.

The Internal Improvements of the State are steadily advancing. Many adverse circumstances, it is true, have combined to retard the progress of railroad construction, yet I am gratified in being able to state, that, during the past year, an aggregate of about two hundred miles has been built or completed in different sections, and that the Montgomery and Eufaula road has been recently opened, and is now in operation through its entire length; thus bringing into active business and social connection the Capital City with the enterprising and cultivated communities of East Alabama; and that the South and North road has been completed to Elyton, thus unlocking for the southern portion of the State, the incalculable mineral resources with which our mountain regions abound. When the railroads now being constructed are finished, the extent of railroads within the State will approximate three thousand miles.

What a glorious and promising prospect is thus afforded to our hopes!

ENDORSEMENT OF RAILROAD BONDS.

The endorsement by the State of the bonds of railroad

companies, under laws first enacted at the Legislative session 1866-7, and enlarged and continued by subsequent statutes, has imposed upon the Executive Department unusual responsibility, solicitude and labor.

Finding, on my accession to office, the system of endorsement already on the statute book, and being invested with neither the power of determining its wisdom, nor the prerogative of adjudicating its validity, I have diligently and earnestly endeavored to execute the various laws pertaining to it, according to their letter and spirit. Undeterred by the malevolent attacks of the slanderer and his venal, subsidized or ignorant emissaries and agents on the one hand, and repelling on the other, with equal scorn, the thoughtless, if not dishonest, counsel of repudiation, I have labored with constant and unremitting earnestness, to maintain the honor and protect the credit of Alabama, and guard her against entanglement and loss through the villainous schemes of men, who plotted their own enrichment upon her ruin.

ALABAMA AND CHATTANOOGA RAILROAD BONDS.

On the 18th day of January last, and immediately on your re-assembling at the expiration of the Christmas recess, I communicated to you, in a written message, all the information, then possessed, with regard to the administration and consequences of the endorsement system; but especially invited your attention to the unexpected failure of the Alabama & Chattanooga Railroad Company to provide for and pay the interest due on both the direct bonds of the State, loaned to said company, and on their first mortgage bonds endorsed by the State—and assigned the reasons which impelled me to refuse, on behalf of the State, the payment of said interest, unless required and empowered so to do by additional legislation.

Your investigation and action upon this grave and important subject terminated in the enactment of the following statute, which I deem proper to be here cited and presented to you in its own words, in order to insure a clearer comprehension of my subsequent official action in the premises:

AN ACT

To provide for the payment of the interest due and unpaid upon the valid claims against the State, on account of the failure of the Alabama and Chattanooga Railroad Company to pay said interest.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Governor be, and he is hereby, authorized and required to inquire into and to ascertain the amount of bonds issued and loaned to the Alabama and Chattanooga Railroad Company, and of the bonds of said company endorsed by the State; and when such amount is ascertained, the Governor shall make provision by temporary loan, or from money in the State treasury not otherwise appropriated, to pay the interest upon said bonds, whenever the coupons attached thereto shall be presented to him, or to any agent he may appoint for that purpose: *Provided, however,* That no interest shall be paid upon any of said bonds not proved to have been held on the 1st day of January, eighteen hundred and seventy-one, by innocent and *bona fide* purchasers: *And provided, further,* That no interest shall be paid upon any of said bonds in the hands of said railroad company, any incorporator or agent thereof, or merely hypothecated by them, it being the object and intent of this enactment to pay interest only to innocent and *bona fide* purchasers of valid claims against the State.

SEC. 2. *Be it further enacted,* That whenever the Governor shall have paid any of said interest, he may proceed under any statutes providing a summary remedy in such case, or according to any forms of law which he may deem best and safest for the interest of the State, to recover the amount so paid for the Alabama and Chattanooga Railroad Company.

By this Act the entire responsibility of investigation and payment devolved upon me.

Appreciating the magnitude and importance of the trust thus imposed, as well as my individual and official accountability for its successful execution, I proceeded in person to the city of New York, where the bonds were supposed to have been negotiated and the interest payable; and at once instituted the necessary and contemplated investigation, availing myself in its prosecution of every certain and available avenue and source of information. Soutter & Co., bankers, and at a previous time financial agents of the Alabama & Chattanooga Railroad Company, furnished me with a sworn statement, transcribed from their books, showing that between the 7th day of April, 1869, and the 1st day of October, 1870, they sold and delivered four thousand first mortgage bonds of the Alabama & Chattanooga Railroad Company of one thousand dollars each, endorsed by the Governor of the State of Alabama, and sealed with the seal of the State; that about one thousand of said bonds went into the hands of the American

public, and the remainder were sold in Europe. Their statement further showed, that they had sold and delivered between the 21st day of April and 19th of May, 1870, two thousand bonds of the State of one thousand dollars each, issued to the Alabama and Chattanooga Railroad Company, numbered from 1 to 2,000 consecutively, and that none of said bonds, either State or endorsed, were sold for less than ninety cents on the dollar. This statement was sworn to, before a commissioner of Alabama, by Robert Soutter.

From August Goettel, of the firm of August Goettel & Co., German bankers, I received a statement, sworn to by him, showing that on different days ranging from April 1st to May 19th, 1870, they had purchased from Soutter & Co., the State bonds loaned to said Railroad Company, amounting in the aggregate to two thousand bonds, (\$2,000,000.) by order and on account of Emile Erlanger & Co., of Paris, and paid for the same at the rate of ninety-five cents on the dollar in gold and accrued interest.

From other sources, which I considered perfectly reliable, I obtained corroborating information, all of which satisfied me that four thousand endorsed bonds, and two thousand direct bonds of the State were purchased by, and were, on the 1st of January, 1871, the property of innocent and *bona fide* holders, who had never participated in any fraud upon the State or were cognizant of such. My predecessor had acknowledged, in his communication to the Senate, that he had endorsed four thousand bonds. Robert Soutter had sworn that he had sold that number. August Goettel had sworn that he bought the two thousand direct bonds. Robert Soutter and August Goettel being men of unimpeached veracity and high financial standing, and without interest in the matter, I awarded to their statements the highest credit. This testimony, confirmed in all its features by other facts, circumstances and information from financiers cognizant of the transactions, convinced me beyond a reasonable, or indeed any doubt at all, that it was my imperative duty, under the law controlling me, to recognize the two thousand State, and four thousand endorsed bonds, and to provide for the interest accrued, and due thereon.

The law required me to investigate, and ascertain where said bonds were, and to pay the interest on all the bonds in the hands of innocent and *bona fide* purchasers. This I did, and no more. I pursued the strict letter and spirit of the law—a law clear, definite, and intelligible in its provisions.

The investigation disclosed the further astounding fact, that my predecessor in the executive office had endorsed bonds of the Alabama & Chattanooga Railroad Company, to the amount, in value of five millions three hundred thousand dollars—or five hundred thousand dollars in excess of the amount on which the company could ever, by any reasonable construction of law, become entitled to endorsement. The railroad being incomplete, and the history of the bonds numbered from 4,000 to 4,720 not being sufficiently satisfactory, I could not pay the interest due upon them. The bonds numbered from 4,720 5,300, were so clearly the offspring of fraud and villainy, their endorsement so utterly without the warrant of lawful authority, and being only hypothecated as far as I could ascertain, they were, therefore, in every aspect they might be considered, excluded from recognition by the statute which prescribed my authority and confined the payment to interest on bonds in the hands of innocent and *bona fide* purchasers on the 1st day of January, 1871. I may here be permitted to add that in all this matter I had to pursue one of two courses—to refuse altogether to pay the interest due on any of the bonds, or to investigate and pay on those in the hands of innocent and *bona fide* bondholders. The law did not invest me with the power of repudiation, and I certainly had not the will nor the inclination to wantonly usurp it.

This default on the part of the Alabama & Chattanooga Railroad Company and the payment of the interest by the State, invested the State with new rights, and imposed upon me corresponding duties and responsibility. By the statute above cited I was authorized to proceed “*under any of the statutes providing a summary remedy in such case, or according to any forms of law deemed best and safest for the interest of the State to recover the amount so paid.*” By the statute of 1869–70 the right to seize the road and property of delinquent companies was given. The seizure of the road, if it had been practicable, would at that time have been signally unwise and profitless. My right, or at least my power to take possession, extended only to the limits of the State of Alabama. The portions of the road within the States of Mississippi, Georgia and Tennessee were beyond my official jurisdiction and control; a large portion of the road within the State of Alabama was unfinished. To have seized and held possession of a road thus incomplete and deprived of its termini and connections, would have been an exhibition of the

grossest folly, as long as there remained the remotest hope of the company fulfilling its obligations, to complete the road, if not of its refunding the interest paid. Had such reasons not influenced me, there existed another and a stronger one to control—I may say compel—me to abstain from seizure at that juncture. By the statute loaning the *two million bonds*, it was provided that before issuance and delivery thereof, the company should, among other things, execute and deliver to the State a bond of equal amount, with undoubted personal security, and conditioned to complete and equip the entire road, on or before the first day of June, 1871. This bond had been executed, and was then in the treasury of the State, signed by D. N. Stanton, J. C. Stanton, Lewis Rice, A. C. Lippit and F. B. Loomis, as the personal security. A seizure before the first day of June, and the consequent prevention of the company's fulfilment of their contract, might have worked a release of the obligors, and I refrained from the risk. Had I destroyed the efficacy of the bond, my conduct would have justly merited severe public reprehension. I may here very properly and pertinently remark that the Stantons, Rice, Lippit and Loomis constituted in fact the Alabama & Chattanooga Railroad Company, and were surely cognizant of this statutory barrier to my seizure of their road—confident I would not attempt to interrupt their possession, or secretly anxious that I should, and thereby relieve them from the terror of a two million bond. At all events, influenced alone by my convictions of duty and expediency, and totally ignorant of their villainous machinations—of their falsely and wickedly alleged expectations, on which their confederates and allies have dwelt with such wanton malice and pertinacity, I left the road in their possession, hoping that the two million bond would impel them to strain every nerve to finish it by the first day of June.

Upon petition filed by one of its creditors on the 31st of May, this railroad company was declared an involuntary bankrupt in the district court of the United States, sitting in Montgomery, and by an order of that court the road and its property transferred to the possession and management of a special custodian. On the — day of June following, the circuit court of the United States reversed the decree of the district court and ordered the surrender of the road back to the company. In the bankrupt proceedings the State of Alabama was not a party, and therefore had no participation therein, except through her attorneys, to watch her rights and

to be ready to intervene when their protection demanded it. During the pendency of the bankrupt suit I strenuously endeavored to induce the Alabama & Chattanooga Railroad Company to convey the road to the State, believing that by such a voluntary conveyance, prolonged and complicated litigation would be avoided, and the interest of the State and that of all other creditors better subserved. With a view to bring about more certainly and speedily a consummation so desirable, accompanied by the late General James H. Clanton as my council and attorney, I visited New York, where the President and Directors of the company would be accessible. Having great reliance in the sagacity and earnestness of Gen. Clanton I confided the accomplishment of our object almost entirely to him.

It is not necessary to occupy your attention with an extended narrative of our combined efforts, to obtain in this manner possession of the road—suffice it to say, that if there was at any moment a probability of our success, that probability resting as it did on the terror inspired by the bankrupt court, vanished when the action of the circuit court of the United States was announced through the telegraph.

Soon after my return to the capitol, and at the *very earliest hour* that I believed myself justified by the law and the facts, I proceeded to seize the road and its property. This course alone promised safety to the State, and the promptitude with which I embraced it, in my opinion defeated combinations, not only antagonistic to the interests of the State, but whose very formation aimed at their total sacrifice. I instructed my private secretary to repair to the road and take possession of it in the name of the State. This important mission I intrusted to Col. Gindrat, chiefly because he was a constitutional, recognized and already salaried officer of the government. I deemed it of the greatest legal importance that the road should be strictly in possession of the State and the acts of the receiver or agent under my direct official control. To the decision, judgment and discretion, with which Col. Gindrant has so constantly and invariably discharged his onerous duties, may be attributed, in no small degree, the favorable results now so far achieved in the possession and operations of the Alabama & Chattanooga Railroad, throughout its entire length, from Meridian in the State of Mississippi to Chattanooga in the State of Tennessee.

The conflict has been long, and on the part of the adversary cunningly, and unscrupulously and desperately waged; yet

steadily and singly looking to one great paramount object—the maintenance of the interests and rights of the State of Alabama—my efforts have been rewarded with success, and my cherished hopes of ultimate and complete triumph confirmed.

The magnitude and complications of the questions involved, rendered it proper for me to seek counsel and guidance from lawyers, eminent for their experience and wisdom, and I did not hesitate to employ them. My official right, or rather power of seizure, terminated with the limits of the State. To gain possession of the portions of the road in Georgia, Tennessee and Mississippi, I caused suits to be instituted in their respective State courts, which gave speedy possession to Colonel Gindrat in Tennessee and Mississippi; but the seizure by Governor Bullock, of Georgia, of the part within the confines of that State, prevented the opening of the entire line of road until Governor Conoley, taking a different and certainly a wiser and more courteous view of the matter, removed the obstacle.

GENERAL CLANTON.

From the very first instant of my struggle with the Alabama and Chattanooga Railroad to the sad melancholy hour of his death, I was strengthened by the advice and determination of the noble and lamented Clanton. Faithful, zealous and unselfish in his devotion to Alabama, with an unwavering fortitude, he labored to promote her interests; and shrinking from no sacrifice, ever sought to vindicate her honor. It is a reflection of mingled sorrow and pleasure that my course received the co-operation and sanction of such a generous and earnest patriot. Remote from home when he perished, and in the service of the State, no admonition from me is necessary to prompt the General Assembly to render a just tribute to his memory, and an adequate recompense to his bereaved family.

EXPENSES INCURRED.

In all my transactions with this Railroad, in the payment of its interest, in gaining possession, and all subsequent operations, it has been my constant aim to incur no expense, not absolutely necessary; and in this regard the result has been singularly satisfactory.

The General Assembly, at its last session, was pleased to appropriate a contingent fund of ten thousand dollars. From that fund I have paid all amounts drawn from the State Treasury, on account of the Alabama and Chattanooga Railroad Company, including expenses in and about the payment of interest, all the expenditures of the Government for twelve months usually drawn from that fund, several hundred dollars for unpaid items in the year ending September, 1870; and transferred a balance of \$1,422 16 to the contingent account of the current year. This is the very best that economy could do, and will not compare unfavorably with the history of contingent funds in former years.

It is to be remembered that all moneys paid or liabilities incurred by the State for the Alabama and Chattanooga Railroad, are claims on that company, and I have reason to hope that the Receiver will soon be enabled, out of the income of the road, to refund its indebtedness to the Contingent Fund, as well as to provide ample means to pay the fees of all attorneys employed. This I will urge. The payment of the interest due on the bonds was to redeem the pledged faith, and to maintain the credit of the State; the seizure and possession of the road to prevent as far as possible ultimate loss, to indemnify the past and secure the future, and to cease when that was achieved. It would be an erroneous policy, and dangerous alike to her financial, political and social morality, were the Government of Alabama to embark permanently in railroad operations.

The earliest possible adjustment therefore, of the Alabama and Chattanooga Railroad matters, is exceedingly desirable.

Repayment of all interest and expenses paid by the State entitled the company to the right of repossession. This was not done and the company has again been declared bankrupt. I did not apprehend any increased embarrassment from the bankruptcy of the company. The extensive jurisdiction of the bankrupt court may give to its proceedings in this behalf an efficiency and a value, scarcely to be hoped for in courts of four States. The State is of course no party to the bankrupt suit, yet the Hon. Richard Busteed, presiding judge of the district court, recognizing judicially the vast interest of the States involved, by special order constituted Colonel Gindrat, the State Receiver, the custodian under the court. I have great confidence that the district court will sustain the validity and priority of the State's lien on the road and property of

the Alabama and Chattanooga Railroad Company, and will as expeditiously, as the rules of the court and the law permit, bring the matter to a final determination. The road and its property, real and personal, according to all estimates and information, are intrinsically of a value greater than the liabilities of the State, and whenever a clear and unencumbered title can be perfected more than one company of capacity and capital will be found ready to purchase it, and by the purchase relieve the State from liability.

To raise funds to pay the interest on the bonds of the Alabama and Chattanooga Railroad Company, I resorted to temporary loans, amounting in the aggregate, including principal and interest, to the sum of \$545,000. For the payment of these loans, I executed my official obligations, and placed them in the hands of Duncan, Sherman & Co., the financial agents of the State, who received the proceeds thereof and paid the interest due in January and July upon the bonds, proven to have been in the hands of *bona fide* purchasers on the 1st day of January, 1871, and on none others; and Duncan, Sherman & Co. inform me by letter, that a balance remains of \$22,452 37, against coupons not presented. I recommend that the General Assembly make prompt provision for repayment of the sum borrowed by an act authorizing, in the alternative, an extension of the time, or raising by a new loan the amount necessary to meet it. The propriety of such an act is suggested by the existing condition of the Alabama and Chattanooga Railroad, and the hope that the income and proceeds of the property thereof may prove adequate to meet all the State's liabilities.

I herewith transmit communications from Colonel Gindrat and others of great interest and value in connection with the Alabama and Chattanooga Railroad.

RAILROADS ENTITLED TO ENDORSEMENT OF BONDS.

On the first day of November, 1871, the right of railroad companies to the State endorsement became, by operation of the law, limited to companies which had, from their resources, and prior to that date, built and equipped twenty miles of road. This confines future endorsement to the bonds of the following companies: South and North; Montgomery and Eufaula; Selma, M. and M.; Selma and Gulf; Savannah and Memphis; East Alabama and Cincinnati; Selma and New Orleans; Grand Trunk, and Vicksburg and Brunswick.

With the completion of these roads, nearly every section and every industrial interest will have reaped the benefits of the system, and the credit of the States strained to its capacity, and future endorsement should be special, not general in its character.

REPORTS OF AUDITOR AND TREASURER.

The accompanying annual reports of the Auditor and Treasurer, present to you in detail the working and condition of their respective departments.

The official statements of these officers are public documents, not only of great importance to the members of the General Assembly, but also possessing deep interest to the whole tax-paying people of the State. It is therefore eminently proper that the facts they embody should be marshalled with accuracy, free from argumentative ambiguity, conveying information, as their purpose is, and not moulded and not arrayed to justify the theories of the officers from whom they emanate. The report of the Auditor is, as usual, lengthy and elaborate, but it is not characterized by the exacitude and clearness which his experience entitled me to expect. Absence of dates, obscure brevity, and plausible deductions so manifestly tend to mislead the legislature, convey erroneous impressions to the public mind, and inflict injustice upon the history of the present administration, that I deem it my duty to prevent the wrong.

In his report for 1870, he estimated the aggregate receipts for 1871 at \$1,230,000 00, the aggregate disbursements at \$1,193,155 33. The report now transmitted shows the actual receipts, including a balance, to have been \$1,422,494 67, a sum exceeding the estimated disbursements by \$229,359 24. This would have been a very gratifying result, if the estimate of disbursements had even approximated correctness. The Auditor now informs us that the disbursements, including his outstanding warrants on the treasury, are \$1,640,116 99 instead of \$1,193,135 30, being a difference of \$446,981 69, between the estimated and actual disbursements. Notwithstanding this marvellous discrepancy the Auditor says "*that, the estimates made by this office in last report were nearly correct—being only for money needed under the then existing laws governing disbursements from the State Treasury,*" and traces the deficit in the treasury to four several items, viz :

Protracted session of the Legislature.....	\$50,442	31
Special appropriations.....	64,667	74
School appropriation under Revised Code.....	100,000	00
Premature payment to county Superintendents.	117,500	00

Making a total of.....\$332,620 05

Which, were it correct, would still leave a balance of \$114,-361 65 of disbursements in excess of estimate unaccounted for. But why was the \$100,000 00 claim under the Code not estimated, or why estimated to account for the discrepancy? Why was the item, \$117,500 00, not estimated in the report of 1870? Was it not a liability of the State Treasury? The Superintendent of Public Instruction, in his report to me, and now transmitted to the two Houses, in alluding to the Auditor's use of these two items, is conclusive in his reply. Among other arguments the Superintendent says: "The Auditor should have known that the sum of \$100,-000 00 under section 957 Revised Code, would be needed. He had before him the amount of School Fund accruing from all other sources, and he had also before him the number of children of school age, the enumeration for 1870, which, under the law, continued in force for two years, having been reported to him by my predecessor. By placing the total enumeration side by side with the certain school fund, he would have seen at a glance that the \$100,000 00 became appropriated by law and must met during the year. The school fund for 1869 was larger than that of 1870, and the enumeration of children was the same, yet the \$100,000 00 was needed and drawn in 1869. This fact should have satisfied him that the contingency, which appropriated that sum, was already in existence. Since the creation of the school system in 1855, there has been no year in which such a state of facts has arisen as to relieve the treasury of liability for that appropriation. It is only necessary to say in answer to the \$117,500 item that the Superintendent of Public Instruction has no power to *direct* the Auditor to issue a warrant or to refrain from doing so. The Auditor looks for his directions, instructions, &c., to the law and not to the Superintendent. Nor is it true that any such item as that of \$117,500 was brought forward by the new law from the months of October and November into the fiscal year ending September 30th, 1870-71. Under either the new or old law the whole of the school fund would in all probability have been called for by the first day of July. The Auditor has no right to expect that a portion of

the warrants upon the school fund for 1871 would not be called for until after the fiscal year had closed. A moment's reflection would have convinced him that the public school teachers who had in the first part of the year taught three months (the longest time usually justified by the amount due their townships) could not be expected to wait for their money until after the close of the fiscal year."

The Superintendent further says: "Unfortunately, however, the Auditor in his last annual report, placed his estimate (see page 20 of that report) of educational expenses for the year as follows:

Interest on educational and trust funds.....	\$ 223,000 00
One fifth of aggregate revenue received during the fiscal annual year 1870.....	\$ 250,289 33
Total estimate, including \$24,000 due the State University.....	\$ 473,289 33
Deducting the University interest from this sum, his estimate for the public schools was.	\$ 449,289 33
The correct estimate should have been.....	\$ 727,200 93
Leaving a deficiency in estimate.....	\$ 277,911 60

Being an error to that extent in the Auditor's estimate of the school fund alone. The actual necessary total disbursements were greater than the amount estimated by \$446,981 69, yet according to the Auditor, "The Executive and the legislature were *fully advised* of the needed disbursements provided the laws relating to disbursements from the treasury had remained the same as in former years." This is a very grave and erroneous conclusion of the Auditor. How could the Executive and legislature have been fully advised, when his reports, the constituted source of their information, exhibits a discrepancy between the actual and estimated disbursements of \$846,981 69? Nor does the qualification, "*provided the laws relating to disbursements from the treasury remained the same as in former years,*" modify or reduce the gravity of his error. The laws regulating or relating to disbursements from the treasury, if changed at all, were not materially changed since he made his estimate. Calling attention to the public debt, the Auditor uses these words: "Attention is called to the tabular statement of the public debt, embracing all the direct liabilities of the State, amounting to \$8,761,917 37. This is an increase of \$283,906 62 over statement one year ago." This statement is reprehensibly faulty.

The public debt is not \$8,761,617 37; it is only \$5,442,300, according to his own tabular statement. The University and

other funds, what is known as the Patton certificates, and accounts unsettled or Auditor's warrants unpaid, which he uses to make up the other \$3,319,617 00, do not constitute, in any accepted signification of the term, public debt, and their inclusion as such, unwarranted and unexplained, greatly tends to damage the value of the State securities. This error on the part of the Auditor was adverted to by my predecessor in his annual message to the General Assembly on the 15th day of November, 1869, in the following comprehensive paragraphs:

"The Auditor is a faithful and efficient officer; but I am constrained to express my dissent from the views embodied in his report in regard to the school fund. He says, in effect, that the fund has been lost or misapplied by the State. It is perfectly clear to my mind that his reasoning and conclusion are based upon a misapprehension of the laws of Congress under which the fund was created, and the Constitution and laws of the State under which it is controlled.

By the act of Congress, approved March 2, 1827, the legislature of Alabama was clothed with authority to sell and convey in fee simple, the lands, or any portion thereof, which have been appropriated to the State for school purposes; and to invest the money arising from the sales in some productive fund, the proceeds of which shall be forever applied, under the direction of the Legislature, to the support of common schools. Under the language of this constitutional statute, full discretion is given the legislature to determine the manner in which the investment is to be made. The Legislature, for all the purposes of this act, is not the State; but as trustee it invested the fund in the State's credit. In pursuance of a law passed for the purpose, the State took the money arising from sales of donated lands under express statutory obligations to pay interest upon it. This was done years ago; and the State has scrupulously complied with its engagement by promptly paying the required interest; while the trustees (the Legislature,) made effective provision for the application of the interest to the support of common schools in the appropriate townships. In all this there is no misapplication or destruction of the fund.

It is true the Legislature might have invested the fund in bank stocks or other securities. But it exercised its discretion otherwise, though in a way that accomplished all the purposes contemplated by Congress.

The Auditor further speaks of this school fund as a part

of the State's indebtedness. On this point, also, there is manifestly a misapprehension. It is expressly provided by the law of Congress that the fund proper is never to be paid to the beneficiary, or used in any way or for any purpose except to produce an income. All the legislation of our State has been in strict accordance with this provision. But this is not all. A similar requirement is embodied in our State Constitution. Section 10, article 11, of that instrument, says that the fund in question "shall be and remain a perpetual fund," "the interest and income of which" shall be "inviolably appropriated to educational purposes." Inasmuch, therefore, as both the law of Congress and the State Constitution prohibit the payment of the fund itself, or any part thereof, it cannot, in any legal sense, be considered a debt. Further than this, that part of the Constitution above cited, which provides that the fund "shall be *and remain*" perpetual, not only sanctions what has already been done with it, but seems to require that it be permanently kept in its present condition."

Misapprehension on this subject is the natural result, overlooking the following undeniable positions: "1st. Congress made the Legislature, not the State, the trustee; 2d. The trustee is required to invest the fund so as to produce an income, and is specifically prohibited from paying over the fund to the beneficiary; 3d. The trustee, (the Legislature,) is clothed by the act of Congress, with a large discretion as to the mode in which the fund is to be invested; 4th. An obligation by a State statute is as effectual as by a State bond."

Yet the Auditor persists in the error, and adds that it is "an increase of \$283,906 62 over the statement rendered one year ago" without explanation. No bonds have been issued and no public debt incurred by or during the present administration. Whence arises this increase of the public debt? The Auditor leaves the explanation to the figures of his tabular statement, where it is discovered that the eight per cent. bonds, payable in New York in 1886 and 1888 amounted to about sixty thousand dollars (\$60,000) more than the Auditor stated them to be in his report of last year.— This sum, added to \$217,622 32 of Auditor's warrants of past fiscal year unpaid, and six thousand dollars borrowed under former administration, make up, it is supposed, this increase of the public debt. With this elucidation of the Auditor's increase of the public debt, I invite your attention to the following paragraph, found in the Auditor's report (on page 21

thereof):—"I regret to call your attention again to the fact that the proceeds of sale of the bonds of the State of Alabama, made long since as per official information on file in this office, have not been certified as required by law." The amount stated last year as not having been placed into the Treasury was \$112,400 00, to which, if we add those sold during the fiscal year just closed, \$59,500 00, we have a total amount of State bonds sold and not certified into the Treasury, of \$171,900 00. This office is unofficially informed that much of this amount has been already expended by the financial agents, in payment of liabilities incurred during the fiscal year."

Justice to Lehman, Durr & Co., financial agents, who have at all times exhibited a willingness and ability to promote the fiscal interests of the State, requires a more explicit statement of the transactions here alluded to. The bonds in question were placed in their hands for sale, and sold, and the proceeds, one hundred and two thousand seven hundred and forty-one dollars and sixty-six cents (\$102,741 66,) of bonds of \$112,400 00 par value applied by them to the payment of interest, etc., long prior to the commencement of the present administration, while proceeds, \$51,994 74 of bonds of \$59,500 par value have by them been applied to the payment of interest due on the 1st November last. Thus it appears that no part of the proceeds of the \$171,900 00 bonds was applied to the "payment of liabilities of the State incurred during the fiscal year," all of which is more fully set forth in the accounts rendered to the Government by Lehman, Durr & Co., and herewith transmitted to the General Assembly.

Under the head of the three per cent. fund, the Auditor refers to a warrant for \$40,000, drawn in favor of the Selma and Gulf Railroad Company, issued "by direction of the Governor" "since his last report," as an *unexpected draft upon the Treasury, and its payment refused until compelled by a writ of mandamus from the Supreme Court.*

In all this the Auditor is correct. During the administration of my predecessor such a warrant was issued, but believing that no existing law justified it, I instructed the Treasurer not to pay it, and he did not until compelled by mandamus in June last.

The Auditor advises numerous changes in existing laws, and presents elaborate views on the question of taxation and the policy which should regulate it—all of which are worthy your earnest consideration.

The Report of the Treasurer commends itself to a careful consideration. The receipts during the last fiscal year have been greater in amount than in any former year—the period of war and proceeds of loans excluded; yet their aggregate amount, as has been shown in adverting to the Auditor's Report, has not been equal to the demands upon it, while a large balance of outstanding warrants, chiefly due the public schools, remains unpaid. This result has occurred notwithstanding a very large diminution in the ordinary current expenses of the Government.

TAXATION.

The rate of taxation was reduced at the last session of the Legislature from seventy-five to fifty cents on the hundred dollars *ad valorem* of property. I still believe that the present rate will be sufficient, provided the school fund is wisely limited to its legitimate sources—special appropriations prudently made, and the levy and collection of taxes faithfully managed.

It will be better and more agreeable to a people not yet entirely restored to prosperity, to empower the Executive Department to negotiate a temporary loan to meet any deficit which may occur than to increase the burden of taxation for the ensuing year.

REPORT OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

To the report of the Superintendent of Public Instruction, herewith submitted, I solicit your most deliberate attention. Since its first establishment, at the session of the General Assembly 1853-4, to the present time, our public school system has been an absorbing subject of discussion and legislation; yet, to-day, it is far from being acceptable or satisfactory to the people. As now organized, its usefulness is certainly not proportionate to the cost of its maintenance and administration. Many of its chief defects are inherent and constitutional, and cannot be reached by present legislation. Much, however, may be done to rescue it from the popular odium into which it had fallen and from which the present energetic, accomplished and devoted Superintendent of Public Instruction has struggled, though partly in vain, to relieve it.

The people submit without a murmur to taxation, when it is reasonable, equitable and commensurate with the good it contemplates and effects—taxation without corresponding benefits is never long endured.

According to the Superintendent's Report, the school fund for the year 1871 was \$581,389 29, which, added to \$145,-811 64, makes a total amount of \$727,290 93, to be paid out of the revenue collected in the fiscal year of 1871, of which \$211,217 79 remains unpaid and chargeable upon the revenue of 1871-2, thus increasing the aggregate charge of school fund upon the revenue of the current fiscal year of \$940,934 32. An enormous sum for a system, far from being strong in the affections of the people—a sum only thirty thousand dollars less than the fiscal income of the State from all sources!

The education of the masses is a proper and legitimate object of the Government's fostering care, and should be cherished with a liberal devotion; but it is not to be forgotten that the Treasury at last determines the State's capacity to do so. The expenses of our public school system are greater than the revenue can meet, and it therefore behooves the General Assembly to consider and provide the remedy. The Constitution designates the sources from which the school fund should be derived, but does not of course prohibit the Legislature from increasing the fund so derived, by other appropriations—hence the department of Public Instruction claimed that, by the re-adoption of the Revised Code, it became entitled to the \$100,000 appropriated therein to support the old system of education, and it was allowed and continues to be drawn from the Treasury. The Constitution provides that one-fifth of the general revenue shall be set apart for school purposes, but by *construction* \$100,000 is added to that generous amount. The re-adoption of the Code never contemplated such a result, and your consideration to it is invited.

The one-fifth of the general revenue, appropriated by the Constitution is ascertained by the Auditor from the receipts of the preceding year. Is this proper? Should it not be one-fifth of the estimated receipts of the current year? According to the criterion adopted, if the revenue for any one year amounted to four millions of dollars, and that of the year following to eight hundred thousand dollars, the amount the school fund would be entitled to, according to present interpretation and practice, would absorb the entire revenue.

The Superintendent recommends the settlement of all school liabilities by the sale of bonds. This suggestion, as well as the repeal of that section of Revised Code under which the \$100,000 is claimed as part of the school fund, a

change in the mode of ascertaining one-fifth of the general revenue and the propriety of confining all expenditures, needed in the management of the system, to the educational fund itself, are confided to the wisdom and action of the General Assembly.

The restoration of the State University to the influence and usefulness it once possessed, as a Seminary of learning, should be an object of interest and pride, alike to the Government and citizens of Alabama.

Its recent organization under favorable auspices, its large, able and energetic faculty of professors, with its very liberal endowments, will surely secure to it a patronage which will render it self-sustaining in the future.

On application to the proper department of the Federal Government, I obtained Alabama's quota of land scrip, donated by Congress to the several States, for the purpose of establishing agricultural colleges, said quota representing 240,000 acres of land. Pursuant to authority granted by the board of commissioners, authorized by act of last session of the Legislature to obtain and dispose of said scrip, I sold it for 90 cents per acre, the largest price obtained by any of the States. The Auditor informs me that upwards of \$50,000 has already been received, and I have no doubt the entire sum will be punctually paid. The location and establishment of the agricultural college is a subject for your consideration.

REPORT OF COMMISSIONERS TO EXAMINE STATE OFFICES.

The ability and faithfulness which have distinguished the Auditor, Treasurer and Superintendent of Public Instruction in the discharge of their official duties, will more fully appear from the accompanying report of the commissioners appointed by me to examine their respective offices. This report exhibits much discernment, scrutiny and labor on the part of the commissioners and will be found to possess more than usual interest and information.

It appears from this report that there is a conflict of opinion between a majority of the commissioners and the Auditor, as to the application of certain statutory fees collected by him. It is the province and duty of the Legislature to settle this variance by a declaratory law.

STATE PENITENTIARY.

There has been no material change in the condition, opera-

tion, and management of the Penitentiary since your committee of last session visited and inspected it.

The contract of lease, under which the lessees are authorized to employ the convicts on the works outside of the penitentiary expires on the 5th day of June, 1872. It therefore devolves upon the present General Assembly to provide for the disposition of the convicts from and after such expiration.

Humanity combined with economy, should characterize your legislation on this subject. The advanced sentiments of the age, the chastening influences of christian charity, point to the prevention of crime rather than the fruition of revenge by the punishment of the criminal. A return to the old system of working the convicts within the walls of the penitentiary will demand a large expenditure of money to repair and enlarge the buildings, as well as to supply the necessary machinery and mechanical tools, which the treasury is not at present in a condition to furnish. I therefore recommend that authority be by law given to the Executive to enter into a contract of lease similar to that now existing, but for a shorter period and providing more stringent stipulations as to the treatment and safe keeping of the convicts. The Inspectors have forwarded brief quarterly reports to this office, which, with a list of pardons and reasons for granting them, I now transmit to you.

INSANE HOSPITAL, &C.

No annual reports from the Insane Hospital, Institution for Deaf and Dumb, or Freedmen's Hospital, have been received at this department. When they arrive I will submit them to the General Assembly.

By reference to the Auditor's Report it appears that warrants, amounting to \$79,071 73, have been drawn upon the treasury, under existing laws, in behalf of the Insane Asylum. This is a very large amount, and I hope the Report of the Superintendent will justify its expenditure and receive the approval of the General Assembly.

ARMS, &C.

Having received a communication from the War Department at Washington informing me that the State of Alabama was entitled to a large quantity of arms, &c., under the Act

of Congress of April 22d, 1868, and which on application would be delivered to any agent I might appoint to select and receive them, General William H. Allen, my Adjutant General, was instructed to proceed to Washington for that purpose. He found no difficulty in the accomplishment of his mission, and his report herewith transmitted, contains views and suggestions, as to the military organization of the State, well worthy of your consideration.

In concluding this communication, permit me to express my earnest hope that a benignant Providence will preside over your deliberations and render them conducive to the welfare and prosperity of the State.

ROBERT B. LINDSAY.

REPORT OF THE COMMISSIONERS TO EXAMINE STATE OFFICES.

MONTGOMERY, ALABAMA, }
November 1st, 1871. }

To His Excellency Robert B. Lindsay,
Governor of the State of Alabama :

SIR : The undersigned, constituting the Board of Commissioners appointed by your Excellency to examine into and report the condition of the several fiscal departments of the State government for the fiscal year ending on the 30th September, 1871, have the honor to advise your Excellency that we have discharged that duty, and to submit the subjoined report :

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

This office was the first examined by us, and we are pleased to state that we found, upon a critical examination, that its operations during the fiscal year, to have been administered with great ability, economy and faithfulness. One fact we noted with much pleasure. The annual expenses in the payment of county officers, as compared with those of 1870, have been *reduced* to the extent of nineteen thousand one hundred and sixty-seven dollars and three cents (\$19,167 03). The books of the office are elegantly and correctly kept ; and the accounts for monies disbursed by County Superintendents, so

far as rendered, have been properly audited, and, together with their vouchers regularly filed.

We respectfully submit herewith a tabular statement, prepared with as much care as our limited time would permit, which will exhibit the actual condition of the office, not only for the year 1871, but also for the years 1870, 1869, 1868, 1867 and 1866. An examination into the accounts for these several years was rendered necessary by the fact, that warrants for payment of balances due to them were drawn by the Superintendent during the year 1871. And, as no reports have, as we believe, ever been made public, disclosing the operations of the office for the years named, and as much public complaint has been expressed in relation to the manner in which the department was managed during the official term of the late Superintendent, we did not confine our examination merely to the manner in which the monies paid out for their account, in the year 1871, were disbursed, but extended it to the accounts which had been previously rendered. The annexed tabular statement will show the result of our examination.

TABULAR STATEMENTS.

Statement showing account between the State and the several Counties on account of the School Fund,
(consolidated.)

For what year.	1866	1867	1868	1869	1870	1871
Total am't of dividend.....	\$413,849 07	\$290,250 12	\$45,000 00	\$505,593 53	\$491,192 93	\$590,605 54
Total am't of warrants drawn.	413,849 07	286,664 62	41,848 07	497,100 49	438,062 80	497,842 20
Balance due from State.....	090,000 00	3,585 50	3,151 93	8,493 04	53,140 13	92,763 34
Over payments of apportionment to certain County Superintendents And should be deducted from the balance of \$8,493 04.				\$346 67		
Amount of certificates issued in 1871 by Joseph Hodgson.						
Fund of 1871.....		\$497,842 20				\$661,731 72
For 1866-7-8-9-70.....		130,314 65				20,267 18
By Dr. Cloud 1867-8-9-70.....		61,891 65				8,049 80
Total.....	\$690,043 70					\$690,043 70
				Distributed as follows:		
				Payment for tuition.....		\$661,731 72
				Payment of County Superintendents.....		20,267 18
				Payment Normal Schools, 1870.....		8,049 80
				Total.....		\$690,043 70

Statements of accounts of County Superintendents, (Consolidated.)

Year	1866	1867	1868	1869	1870	1871
Amount received.....	\$413,849 07	\$286,664 62	\$41,848 07	\$497,100 49	\$438,052 80	\$497,842 20
Amount disbursed.....					359,870 20	240,642 31
Balance to be accounted for...					\$78,182 60	\$257,199 89

The accounts for the years left in blank, we did not balance for want of sufficient time.

*N. B.—Many warrants, issued by the Superintendent upon the Auditor, are still outstanding and unpaid in the hands of the County Superintendents, and compose the greater part of these balances. The above statement exhibits the County Superintendents' accounts as they appear upon the books, in relation to amount of certificates issued to them by the State Superintendent.

In regard to the manner in which the dividends of the school fund for the year 1870 were distributed we can hardly speak in too severe terms of reprehension. The many errors which were committed by the County Superintendents in that respect, and overlooked or permitted by the State Superintendent of Public Instruction, do not, it is true, injuriously affect the interest of the *State*. We found no *overpayments* to any of the counties for 1869. But the improper manner in which the dividends were distributed by the County Superintendents, and the careless and inefficient manner in which the accounts were audited by the late Superintendent of Public Instruction, have most seriously injured many of the *townships* and *teachers* of the *State*.

We submit a statement exhibiting the result of the mode of payments adopted and followed by the County Superintendents.

An examination of the foregoing statement will show that while there is only a balance of \$1,900 00 due from the *State* to the county, there is a balance due to several of its townships of \$2,650 00, which amount, they believe, no doubt, is due them from the *State*, while in fact \$750 00 of it is due from the *County Superintendent*, by reason of overpayments made by him to *other townships*.

The payments were made monthly; and the overpayments resulted, either through the grossest ignorance or carelessness. The County Superintendents are furnished by the State Superintendent with a certified copy of the dividend declared to each of the townships of his county; and, although he had or should have had that before him, he proceeded in his monthly payments, without reference to it, or to the amount of the previous payments made by him—not distributing the money in hand *pro rata* to the townships in payment of teachers and his own salary—overpaying several townships, in consequence of that omission, and then to cap the climax stuck the full amount of his salary at the foot of the column, as he would tie a tin kettle to a dog's tail, and then turned it loose "*to do or die*." And, alas! there was not found at Montgomery, in the Superintendent's office, a good samaritan, by whom the unhappy thing might have been relieved of its clattering and terrifying tail ornament!

The foregoing statement relates to a case in which there is still a balance due from the *State*. We will now submit one in which the *State* has paid the full amount apportioned to the county.

We see, "in our mind's eye," just after he has had the pleasure of a visit from a squad of hungry teachers, a good honest fellow, who would not wittingly do anything wrong if he could help it. He is in a state of great excitement and distress. Something has evidently gone amiss. Listen. He will tell us his troubles! Well! well, well! what can the matter be? Here, I have paid out to the last tom-tit of a fractional, *all* the money I received from the State, and all that was due from the State, and here comes "twelve men in Buckram" upon me at once, all yelling, pay! pay!! pay!!! when, zounds! there is not left a single stiver to pay with! And it does *seem*, that they ought to be paid! *I don't and can't understand it.* But, (frantically,) this thing *must* and shall be settled. He takes down his bundle of papers, spreads them upon a table, and, forthwith, proceeds to settle the thing. He studies intently, the labor is unusual with him and distracts him. The wife and children, poor things, are driven into corners, or rather, clean out at door by the stern command: "Leave! and don't bother a man while he is trying to cypher out of his troubles!" He is becoming hot, his face, red as the full orb'd moon, seen through "a cloud of mist upon the hill," speaks thoughts unutterable! off comes his coat! and the thing is being settled with all the physical energy of man mauling rails, or hammering out a ploughshare! Courage! my friend. "*Labor omnia vincit.*" The vest has followed the coat, and, unless exhausted nature supervene the shirt will come next! But before that act comes off we will take our leave, and "leave him alone in his glory," obfuscation and heat.

And, as we have duplicates of his papers, and are not at all excited, we will proceed to settle the thing for him with a result that will much astonish him, no doubt.

Apportionment.			Monthly payments by Co. Sup't. consolidated.	Overpayments and consequently balance due to other townships by Sup't.	
T.	R.				Due Tow'ps.
1	2.....	\$ 700 00		\$ 750 00	\$50 00
	3.....	800 00		820 00	20 00
	4.....	900 00		930 00	30 00
	5.....	1,000 00		1,200 00	200 00
	6.....	2,000 00		1,500 00	
	7.....	1,500 00		1,000 00	\$ 500 00
Total App't		\$6,900 00	Supts. Sal'ry	700 00	500 00
				\$6,900 00	balance due from Supt. \$1,000 00

The same account, as it ought to have been stated and paid by the County Superintendent.

T.	Apportionment. R.	Salary Pro rata.	Incidental expenses.	Pay of Teachers.	Total Payments.
1	2.....	\$ 700 00	\$ 71 00	\$ 629 00	\$ 700 00
	3.....	800 00	81 15	718 85	800 00
	4.....	900 00	91 31	808 69	900 00
	5.....	1,000 00	101 45	893 55	1,000 00
	6.....	2,000 00	202 90	1,797 10	2,000 00
	7.....	1,000 00	152 19	1,347 81	1,500 00
		\$ 6,900 00	\$ 700 00	\$ 6,200 00	\$ 6,900 00

The statements have not been taken from the accounts of any particular county. They have been made in order to illustrate in a brief and succinct manner the actual conditions of the accounts for 1870 from *all* the counties of the State, with but few exceptions, and which were, with all their imperfections, indorsed by the late Superintendent, "audited and allowed, and amount certified to the Auditor." Was there ever a more pitiable, smoky, malodorous, spontaneous combustion of official incompetency! It is but justice to the late Superintendent to say that the papers show that all the auditing that was done, or attempted to be done, was the work of his clerk. From the facts disclosed, the conclusion is irresistible, that the accounts *were not audited at all*, or, only in so far as to ascertain that the apportionment made to the county was not overdrawn. The townships "had no rights the Superintendent was bound to respect!"

To conclude, we respectfully submit, that in our opinion justice to the many injured townships and teachers, requires that the balance due from the State should not be distributed until the accounts for 1870 shall have been thoroughly examined and adjusted; and that would require much time and labor, for most of the accounts are in a state of confusion, almost as inextricable as the mazes of a "dance of the night-mares."

We would further report to your Excellency a fact discovered in relation to township 17, range 5, in the county of Marengo. This township realized a revenue, at home, from the rent of its 16th section which has been reported at \$1,081 77, which is more than sufficient to pay the ratio declared by the Superintendent, to the number of scholars reported in the township, and yet, for the years 1869 and 1870 it received *directly* from the State *the full ratio per scholar*, as though it had no 16th section fund at all. This appears to have oc-

curred twice; once through the failure of the County Superintendent to report it to the Superintendent of Public Instruction, and once through an oversight of the last named officer, who, when it *had been* reported to him, added it inadvertently into the amount of the apportionment declared to the county. This matter should be, by some means, adjusted.

AUDITOR'S OFFICE.

This office was the next examined, and on a comparison of the vouchers, (both for receipts and disbursement of funds,) with the journal, and then the journal with the ledger, the entries were found to correspond perfectly with the vouchers, and with each other. There were no overpayments of appropriations discovered, nor payments of claims not provided for by law. The books of the office are kept with remarkable neatness and elegance.

But we must report, as errors, that the auditor has failed to keep a *fee book* for the fees received by him under the provisions of section 93 Revised Code, and to account to the treasurer for the State's proportion thereof; nor does it appear that such book was kept by his predecessor. The fees received by him for "annexing his official seal for private or personal use" he claims as the perquisites of his office; and it appears that he is sustained in that view of the case by an opinion of the late Attorney-General of the State, and also by the custom of the office. He reports no fees received for *copying* done in the office; but states that for want of sufficient clerical force, *all* the fees for that service were given to persons outside the office, who did the work. In both cases we consider him in error. In the first, because we are of the opinion that the words "*for private or personal use*," contained in the section named, manifestly mean the private and personal use of the party in whose behalf the official seal was annexed, and do not at all relate to this *disposition* to be made of the *fees*. The emphatic, mandatory words "*he must charge*," &c., clearly command the performance of a *public duty* for the pecuniary interests of the State, and not for his *own benefit*. And the latter clause of the section, "*and pay the same, except one-half the fees for copying, &c., into the treasury*," are too plain in their meaning to admit a doubt as to his duty in the premises. As to the fees received for copying, we admit his perfect right to make such disposition of his *own share* of them as he may deem proper. But we deny his right to make

other disposition of the State's share than to pay it into the treasury. The provisions of *written* law can not be evaded or destroyed by *custom* or *opinion*, and can only be superceded, if constitutional, by the *powers* that enact it.

The annexed tabular statement exhibits the condition of the office on the 30th September, 1871, viz. :

ACSTRACT OF RECEIPTS AND DISBURSEMENTS OF AUDITOR'S OFFICE, 1871.

Balance in the treasury, 1st Oct. 1870.....	\$	44,325	82
Total receipts during fiscal year 1871.....		1,378,168	85
Total balance and receipts.....	\$	1,422,494	67
Total disbursements during the year.....		1,640,116	99
Balance against treasurer (outstanding warrants)	\$	217,622	32

STATE STAMP ACCOUNT.

Total amount received by the late Comptroller..	\$70,000	00
Total amount sold by the Comptroller and Auditor, and delivered by the Auditor to the State Treasurer to be sold.....	32,890	00
Amount on hand by actual count.....	\$37,110	00

TREASURER'S OFFICE.

This, the last office examined, we found, on thorough examination, to have been correctly kept. The certificates of the Auditor for receipt of funds were compared with the entries on the books of the office, and were found to correspond, both as to number and amount of the certificate, and to agree with the entries on the books of the Auditor; and so, also, in regard to the warrants for disbursements, in so far as they have been paid.

The amount of funds received since the 1st of October were added to the balance shown to be in the treasury on that day, and the payments made, since deducted from the aggregate amount of balance and subsequent receipts, the money on hand counted, and the balance stated to be in the treasury on the 30th of September as well as on this day, found to be correct.

We annex a tabular statement :

STATEMENT SHOWING RECEIPTS AND DISBURSEMENTS OF THE
TREASURER'S OFFICE, DURING THE FISCAL YEAR ENDING
30TH SEPTEMBER, 1871.

Balance on hand Oct. 1st, 1870, viz :

Uncurrent bank notes.....	\$ 1,860 00	
Certificate of Northern Bank of Alabama.....	35 05	
Gold and silver coin.....	841 55	
State certificates.....	855 00	
United States currency.....	49,984 23-	\$ 53,585 83
Total receipts during and for years 1870-71..	1,378,168 85	

Total balance and receipts.....	\$1,431,754 58
Disbursements for and during year ending 30th September, 1871.....	1,425,166 52

Balance in treasury 30th September, 1871.... \$ 6,588 16

Add amount of outstanding warrants. Deduct amount of warrants issued during preceding fiscal year, paid during the year ending 30th September, 1871, to balance and correspond with Auditor's books.

If, in the hurry of writing this report, we have omitted anything ; or have not kept within the strict bounds of the staid propriety of expression required in an official report, we beg to be allowed to supply the omission, and to disclaim any wilful breach of decorum.

Respectfully submitted.

Your obedient servants,

JOHN A. GRAHAM,
TURNER CLANTON,
Commissioners.

The undersigned concurs in the foregoing report, in so far as it relates to the correctness of the accounts and the manner in which the books are kept, and also, so far as it shows the general carelessness of the former Superintendent of Education, but dissents from the other matter and things therein narrated.

ISRAEL W. ROBERTS.

I further dissent from the above report in the matter of making a legal construction of the law in relation to fees in

the Auditor's office, under section 93 of the Revised Code of Alabama. The records show that the fees have been retained by the Auditor's predecessor, (Mr. Chisholm), without objection being made by any officer, or former committee examining the office; and the whole matter was referred to the Attorney-General, and his written opinion is on file in the Auditor's office, in which he decides that the fees *belong* to the office as a perquisite of the office for his private or personal use. This should, in my judgment, have been received as conclusive by the committee without further comment, as the duty of this committee does not include legal construction of the statutes.

ISRAEL W. ROBERTS.

The undersigned dissent from the opinion of our co-commissioner, Mr. Roberts, as to section 93, and our construction of the same, for the reason that, *ex-necessitate*, the examining committee are bound to pass upon the sense and meaning of laws in their application to the conduct of public functionalities. Are not their acts supposed to be based upon, and are they not regulated by law? Do they not justify them in every act by the same? Can they act without its authority? How, then, can you conform their acts to law but by comparison and construction of the two?

TURNER CLANTON,
JOHN A. GRAHAM.

REPORT OF MESSRS. FARRAND AND THOM, RAILROAD COMMISSIONERS.

To His Excellency Robert B. Lindsay,
Governor of Alabama :

SIR : The undersigned, State Commissioners, appointed by your Excellency to examine and report upon the condition of such Railroads as are applying for aid and receiving State aid, in compliance with the 14th Article of an Act of the Legislature, approved February the 21st, 1870 : "To furnish the aid and credit of the State for the purpose of expediting the construction of Railroads within the State," beg leave to submit the following statement, as the result of our careful examination of that portion of the Alabama and Chattanooga Railroad, between Meridian and the northern State line of

Alabama, at the point where it passes out of Alabama into the State of Georgia.

By request of Col. J. H. Gindrat, appointed by your Excellency as Receiver on the part of the State, we have made as careful and minute an examination of the road, in all its parts, as could have been done, short of an instrumental survey, and find its condition, commencing at Meridian, Mississippi, as follows, to-wit:

From Meridian to York Station, twenty-seven (27) miles, the road bed is old, well built and substantial. The rails on (3) miles of this portion of the road is of good quality, weighing fifty-six (56) pounds to the yard; on twenty-four (24) the rails are light, weighing less than fifty (50) pounds to the yard, badly kinked from burning, and worn out. The cross-ties are rotten and many of them washed up. The culverts of wood, rotten and falling in. The bridges and trestles are old, but are made safe by repairs.

We estimate the rebuilding of this twenty-seven (27) miles of road will cost one hundred and forty-one thousand dollars over and above the value of the old rails now on the track.

From York Station to Akron Station, forty-five (45) miles, the superstructure is laid upon a good and substantial road bed. The excavations and embankments are brought to proper shape and grade adapted for the permanent working of the road.

The rails are of good quality, weighing fifty-six (56) pounds to the yard, connected by joint fastenings of the most approved pattern, (known as the fish bar pattern.) The cross-ties are generally of sapling pine, one-fourth of which are rotten and require replacing. The bridges and trestles are good and substantially built.

To replace trestles on this portion of the road from York to Akron Station, will cost eleven thousand two hundred and fifty dollars, (\$11,250.)

From Akron Station to Tuscaloosa, twenty-five (25) miles, the road bed is through a prairie district, and is as good and well-built as any new road of the same material; but like all prairie roads, will require frequent filling and draining for two or three years. The superstructure is good and well laid. The cross-ties are generally of oak, with an average of seven (7) inches face, and placed not more than thirty (30) inches from center to centre. The rails are of good quality, weighing fifty-six (56) pounds to the yard, connected by joint fastenings of the fish bar pattern. On this twenty-five (25) miles

of road, between Akron Station and Tuscaloosa, are numerous temporary bridges and trestles, measuring in all fifteen thousand seven hundred and seventy-five (15,775) feet, engineer measurement, constructed of pine poles with the bark on, and rapidly going to decay; and none of these bridges or trestles can last more than six or eight months, and most of them would be dangerous to pass over at this time but for the careful watching of the able and energetic H. F. Wheeler, the General Superintendent and Chief Engineer of the road, who keeps parties of his most trusty workmen constantly watching, and removing the rotten poles and replacing them with sound ones, and bracing the weak places.

We estimate that it will cost to build the bridges and trestles on these twenty-five (25) miles of road between Akron Station and Tuscaloosa, one hundred and seven thousand (107,000) dollars. From Tuscaloosa to the one hundred and eighty mile post, south of Chattanooga, sixteen (16) miles, this superstructure is laid upon a good and substantial road bed.

The excavations and embankments have been brought to their proper slope and grade, adapted for the permanent working of the road. The rails are of good quality, weighing fifty-six (56) pounds to the yard, connected by joint fastenings of the fish bar pattern, and laid upon cross-ties of the best quality, and is, in all respects, a first class road.

Between the one hundred and seventieth and the one hundred and eighty-fifth mile posts, (south of Chattanooga), there are nine miles of temporary road, (that is), the track is diverted from the original and established survey at different points along these fifteen (15) miles of road to avoid deep excavations and heavy embankments, by winding around the points of elevation which occur on the regular and adopted line. Upon these nine (9) miles of temporary road, the rails, cross-ties and road bed are good, but the curves are too sharp, and the grades too heavy, for the safe and practical working of the road. At the different places on the permanent survey excavations and embankments have been commenced and a large amount of labor expended which will be available in completing the road.

We estimate that it will cost to finish the grading, remove and put down the cross-ties and rails, on this portion of the road, one hundred and eighty thousand (180,000) dollars.

With the exception of those temporary trestles, near Red Gap, (which are to be and are now being filled in with earth),

there is a continuous line of good road from the one hundred and seventieth mile post to the State line, (one hundred and thirty-eight miles,) the superstructure is laid upon a good and substantial road bed. The excavations and embankments have been brought to the proper slope and grade, as adapted for the permanent working of the road. The cross-ties are of hewed oak, of superior quality, and placed within thirty (30) inches from center to center. The rails are of good quality, weighing fifty-six (56) pounds to the yard. The bridges and trestles are substantially built, and on the most approved plan. The culverts are of substantial stone masonry. We estimate the cost of filling in the trestles, near Red Gap, at fifty-five thousand (55,000) dollars.

The road is in operation and cars are running daily between Meridian and Attala. But there is not, at this time, in the hands of the Receiver, an outfit and equipment sufficient to perform, promptly, the business of the road now in operation. A larger portion of the engines, and rolling stock generally, have been removed from this portion of the road and are unavailable, in Georgia and Tennessee.

We notice a large amount of new work which has been done at various points, upon road-bed and trestles, outside the ordinary labor of keeping a finished and well built road in good running condition, and for better information on this subject we referred to the superintendent's books of expenditures, and find from the 11th of August to the 30th of September, the following charges, viz:

From the 11th to the 30th of August, inclusive,	
for labor, finishing road-bed,.....	\$4,608 94
For labor on trestles.....	1,150 34
From the 1st to the 30th Sept. for labor in finishing	
road-bed.....	6,667 04
For labor on trestles.....	1,107 42
	<hr/>
	\$13,533 74

Which exhibit shows that from the earnings of the portion of the road now in operation since your Excellency placed it in the hands of Col. J. H. Gindrat, he has appropriated and applied thirteen thousand five hundred and thirty-three dollars and seventy-four cents to the permanent completion of the road, which shows extraordinary management, when we take into view the limited portion of the road to which he has been compelled to confine his operations.

Please allow us to remind your Excellency that when you

appointed Col. J. H. Gindrat receiver, and placed the road in his hands, it was, as it is now, in an unfinished condition; and in addition, it was completely disorganized and paralyzed by legal controversy, and a spirit of discontent and antagonism prevailed against the road. But by a judicious organization of efficient officers, he has brought order out of chaos, and inspired confidence and good feeling along the whole road.

RECAPITULATION.

To complete road from Meridian to York Station	\$141,200 00
To replace one-fourth ($\frac{1}{4}$) of the ties from York to Akron, forty (40) miles.....	11,250 00
To replace temporary trestles between Akron Station and Tuskalooza, fifteen thousand seven hundred and seventy-five (15,775) ft.	107,000 00
To fill trestles near Red Gap, now temporary, and to be filled.....	55,000 00
To complete nine (9) miles of road between the seventieth and eighty-fifth (70 & 85) mile post, moving and laying the rails and ties from temporary to permanent road-bed	180,000 80
Work done upon the road in permanent construction, since the State took possession by Col. H. F. Wheeler, general Superintendent	13,533 74
	<hr/>
	\$507,983 74

Which exhibit shows that we estimate the cost to complete the road, at the time it was placed in the hands of Col. J. H. Gindrat, five hundred and seven thousand nine hundred and eighty-three (\$507,983 74) dollars.

All of which is respectfully submitted by your obedient servants,

E. FARRAND,
R. T. THOM.

Sworn to and subscribed before me the 9th of November, 1871.

J. H. NETTLES,
N. P., and Ex-officio J. P.

REPORT OF JOHN H. GINDRAT, RECEIVER OF THE ALABAMA &
CHATTANOOGA RAILROAD.

MONTGOMERY, ALABAMA,
November 16th, 1871. }

To His Excellency R. B. Lindsay,
Governor of Alabama :

I submit to your Excellency most respectfully, the following report of my transactions in regard to the seizure and operation of the Alabama & Chattanooga Railroad.

In pursuance of orders, I proceeded to Meridian, in the State of Mississippi, on or about the 28th day of July last to obtain, if possible, possession and control of that part of the road within that State, together with the large amount of rolling stock and other valuable property belonging to the company, and reported to be held unlawfully by a body of men, employees of the company, calling themselves "strikers."

Upon my arrival in Meridian, I found the road and property, as previously reported, in the possession of these men, who claimed to hold control by virtue of an indebtedness to them by the company. I found, also, that the property was being carefully guarded and protected from waste, though partially dismantled, and the "strikers" disposed to listen to any plan of negotiation by which they could obtain at least a portion of their claims against the company, and employment by which they could earn a livelihood.

While engaged in arranging some satisfactory plan by which the State of Alabama could obtain peaceable possession of this property, amounting in value to over two hundred thousand dollars, I received orders to go into Alabama and seize the road within the limits of the State. I had, in the meantime, advanced so far in the negotiations with the employees as to secure their good will, and readily obtained from them an engine and passenger car, fully manned and equipped, to take me over the road; and at the same time procured from them a promise that the rolling stock and other property belonging to the company, in the State of Mississippi, would be held by them, under guard, during my absence, in the name of the State of Alabama.

I proceeded promptly up the road from Meridian, demanding at every station the surrender of all property held by the agents of the company; and, without a single exception, they

yielded up all control as agents of the company, agreeing to hold possession as agents of the State of Alabama. I thus obtained full possession of the road and property of the company, within the limits of the State of Alabama; and, in obedience to instructions, then went to Trenton, in the State of Georgia, to meet the late Gen. Jas. H. Clanton, who, I had been notified, would start from Chattanooga, in the State of Tennessee, and act in conjunction with me. Upon arriving at Trenton, I found three trains of cars held under attachments issued out of the State of Georgia, and the road completely blocked. The Georgian creditors, who had attached the property, showing no disposition to yield to the claims of the State of Alabama, I left that part of the business to the management of Gen. Clanton, and returned to Meridian to complete negotiations for the possession and control of the road and property in Mississippi.

I found upon my return that parties representing the railroad company had taken legal steps during my absence for the seizure of the property held by the employees. They, however, claiming to hold possession for the State of Alabama, the parties attempting to make the seizure were unable to give the bond required by the sheriff. An injunction, however, was obtained against myself and others, upon the grounds that I was about to remove the property from the State. Under these circumstances, I employed Messrs. Shannon & Ramsay, and Judge Evans, as attorneys and counsel, who, by their prompt action, obtained an injunction from the United States circuit court of Mississippi, with an order of sequestration, and instructions to the United States marshal to seize the road and property and place it in my hands as Receiver and agent of the State of Alabama, upon my giving bond with approved sureties, which I did.

After obtaining this order from the United States circuit court, my next effort was to procure means by which to conciliate the employees on the line from Meridian to York, so that trains might be run over this part of the road with safety. The trains of the Selma & Meridian road (now the Alabama Central) had been stopped from running for some weeks between these two points, a distance of twenty-seven miles; travel had been interrupted, and transportation of freight and the United States mail entirely suspended, greatly to the damage and loss of two important railroads and the inconvenience of the public. The manager of the Alabama Central railroad, fully appreciating the condition of affairs, and re-

cognizing the loss to which his road was thus subjected, proposed to aid me in all reasonable measures to open the way. Terms were thus readily made between us for running trains of his road over that part of the Alabama & Chattanooga Railroad between York and Meridian; and for this privilege I obtained a sufficient sum of money to relieve the immediate necessities of the employees along the line, thereby obtaining their good will and hearty co-operation in successfully and safely running trains over the road.

These terms were not entered into without considerable hesitation on my part; but the magnitude of the interests involved seemed to warrant some prompt action, even at a sacrifice. I am happy to be able to say that no disappointment has resulted from the transaction, a perfect conciliation having been effected, and peace and harmony maintained, along the whole line of the road.

I commenced running trains over the road from Meridian to Attala about the 10th day of August, and found it in wretched condition, being overgrown with grass and weeds, and the track covered in many places by land slides, and without drainage through the cuts. I began with extreme caution to put the road in order, being resolved to incur but little expense until finding out how far the earnings of the road would warrant improvements. But a short time convinced me that I might anticipate the earnings to a sufficient extent to make the necessary repairs to insure the regular working of the road through the coming winter. Without incurring these expenses for repairs and construction, it would have been impossible to operate the road with any sort of success up to this time, and at all after the rains set in.

There being no turn-tables between Tuscaloosa and Attala, I was compelled either to run the trains no further than the former place, or the whole distance to the latter. Believing at the time that the whole road would be opened up to Chattanooga at an early day, I put the trains to Attala, thereby incurring the expense of running a long distance over a portion of the road which could be supported by neither freight nor travel. The long delay in getting possession through to Chattanooga has thus caused a much larger expense than was at first anticipated; but after starting, you will readily perceive how difficult it was to withdraw the trains from any portion of the road. From the report of the Acting Superintendent and Engineer, hereto appended, you will perceive that the earnings of the road have been to some extent anti-

cipated for necessary construction. For the month of November, current, the construction account will be much reduced, the road being in such condition now as to insure trains being successfully run during the winter; but its unfinished condition will necessarily involve a continued outlay in removing landslides and keeping up proper drainage through the chambered cuts.

Your Excellency is so intimately acquainted with the expenditures made of time and money in the prosecutions of the various law suits in the States of Tennessee and Georgia, and with my labors in connection with the lamented Clanton, in trying to obtain possession of the road and equipments in those States, that I deem it scarcely necessary to refer to matters connected therewith. The petition of the State of Alabama for an injunction, and the appointment of a Receiver in the State of Georgia, was heard before Judge Parrott, of the chancery court of Georgia, on the 18th day of October last, and resulted in the appointment of Gen. W. T. Wofford as Receiver, with orders that he make some arrangement by which the road might be operated through the State of Georgia. Gen. Wofford agreeing to act in concert with me, we repaired to Trenton, Georgia, where the three trains still remained under attachments, when the agent of the State of Georgia, holding possession under the Governor's proclamation, refused to surrender the property under the order of the chancery court. Nothing further could be done until Gov. Bullock resigned and Gov. Conley entered upon the duties of Governor of the State, when I immediately went to Atlanta, saw him, and entered into communication with Gen. Wofford, the Receiver, by which an understanding was arrived at, and arrangements consummated on the 10th inst. for operating the Alabama & Chattanooga Railroad its entire length. The terms of this arrangement were drawn up under the supervision of Gen. E. A. O'Neal. It is subject to your Excellency's approval, and may be dissolved by either party upon giving ten days' notice, or immediately by mutual consent. Passenger and freight trains are now running daily upon schedule time from Chattanooga to Meridian, with connections admirably arranged; and while the running expenses will be increased not more than twenty-five per cent., it is reasonable to estimate the earnings of the road at more than double.

I feel assured that my expectations will be realized, and the nett earnings of the road be sufficient to rapidly replace the amounts anticipated for construction, and at the same time

pay off such expenses as have been incurred in obtaining possession of the road.

The line of road is unfinished in many places. Gaps to the length of about fifteen thousand feet are covered with temporary trestles which will soon decay, requiring at an early day a large amount of filling in, and the erection of a considerable extent of proper trestling and bridging. About fourteen miles of the road runs outside the original survey, and is of temporary but safe construction. To put the entire line in perfect order, to complete the unfinished part, and stock and equip the road to its fullest capacity, will require large expenditures. When this is done, it is estimated by intelligent and skillful railroad men that the road will be the best paying road in the South. Disencumbered of all embarrassments, there is little doubt the road is of greater value than the amount of its indebtedness to the State; and no doubt can be sold to proper parties upon conditions rendering the State perfectly safe.

To the energy, activity and industry of Major H. F. Wheeler, acting superintendent, and Captain J. McKee Gould, engineer and assistant superintendent, as well as to the other officers and men employed, I am mainly indebted for the successful operation, for three months, of two hundred and eight miles of the Alabama & Chattanooga Railroad, without important connections, and running for most of the distance through a sparsely settled district.

Very respectfully,

JOHN H. GINDRAT,
Receiver A. C. R. R.

AMOUNT EXPENDED FOR ACTUAL CONSTRUCTION ON THE ALABAMA & CHATTANOOGA RAILROAD, FOR THE MONTHS OF AUGUST SEPTEMBER AND OCTOBER, 1871.

Track construction for month of August.....	\$ 4,478 66
Bridge and trestle construction "	1,810 19
Track construction for month of September....	7,844 06
Bridge and trestle construction "	1,127 42
Track construction for month of October.....	13,726 24
Bridge and trestle construction "	1,850 00

Total\$30,836 58

The above is a correct statement.

J. MCK. GOULD, *Engineer.*
H. F. WHEELER, *Supt.*

NOVEMBER, 16, 1871.

COL. J. H. GINDRAT, *Receiver A. & C. Railroad:*

We submit the enclosed statement of amount expended in actual construction of this road from August 11th to November 1st.

At the time the State commenced running the road, it was found in an unfinished condition. Many of the cuts were not sloped or ditched, and embankments not of proper width; and to put the road in a condition to be operated this winter, it has been necessary to expend this amount in actual construction. Five new side tracks have been put in, which were absolutely necessary to secure freights that otherwise would not have been shipped.

Respectfully submitted.

J. McK. GOULD, *Engineer.*

H. F. WHEELER, *Supt.*

ALABAMA & CHATTANOOGA RAILROAD, }
Chattanooga, Tenn., Nov. 21, 1871. }

COL. J. H. GINDRAT, *Genl. Supt., &c.:*

Dear Sir: The enclosed statement is the best I can give you until I can get Capt. Randolph's reports*, and the report of the General Freight and Ticket Agent. There has been so much to do for all of us since the 6th, that it has been absolutely impossible to have the reports made. We will certainly give you a full statement of earnings and expenses up to the 6th of the present month, by December 1st.

Very respectfully,

H. F. WHEELER,

Assist. Genl. Supt.

CHATTANOOGA, November 21, 1871.

COL. J. H. GINDRAT, *Receiver A. & C. Railroad:*

Sir: The following statement shows amount expended on ordinary repairs of road-bed, including track, trestle and bridges, running expenses and construction, from August 11th to November 1st.

* I returned the above mentioned statements to be made up more complete, to the 6th of November instead of the 1st, the 6th being the day the A. & C. Railroad Co. was declared bankrupt. A misunderstanding has prevented these papers from being returned in the event of time lacking to make up the reports as desired.

J. H. GINDRAT.

Ordinary road repairs	\$ 6,919 59
Running expenses	16,331 94
Construction	30,836 59
Total	\$ 53,788 12

The amount expended in construction is large, from the fact that it was absolutely necessary to do this amount of work to put the road in a condition to be run during the coming winter. Many of the cuts have been sloped and ditched, and in the prairie country, between the Warrior and Bigbee rivers, ballast has been hauled a distance of from twenty to forty miles. Five new side tracks have been put in, which were necessary to secure freights that otherwise would have been lost to the road.

Respectfully submitted.

H. F. WHEELER,
Asst. Genl. Supt.

PARDONS GRANTED BY THE GOVERNOR OF ALABAMA, AND HIS
REASONS THEREFOR.

Nat Jackson, Elmore County.

Was convicted at the fall term of the circuit court, 1870, of petit larceny, and sentenced to three months confinement in the county jail. Pardon is prayed for on account of the low state of the prisoner's health.

Petition signed by the judge, solicitor, clerk, probate judge, jurors and many citizens. Granted December 14th, 1870.

R. B. LINDSAY, Governor.

Joshua Teague, Winston County.

Was convicted of adultery at the fall term of the circuit court, and a fine of one hundred dollars assessed. Pardon prayed for, the petitioners setting forth that the charge was frivolous and without foundation. Petition signed by county solicitor and a number of citizens.

Pardon is therefore granted.

R. B. LINDSAY, Governor.

December 15, 1870.

Joshua D. Moye, Butler County.

Convicted at fall term of horse stealing, (grand larceny), sentenced to two years in the penitentiary, upon pleading guilty, and throwing himself on the mercy of the court. Pardon prayed for upon the grounds of the prisoner having been severely wounded when the stolen horse was recovered—and pleading the youth of the prisoner, as well as the fact of his having four sisters and an aged and widowed mother dependent upon him for a subsistence. Petition signed by fifty citizens. Pardon is therefore granted.

R. B. LINDSAY, Governor.

December 15, 1870.

James White Cotton, Jackson County.

Was convicted at the spring term of the circuit court, 1870, held for the county of Jackson, of an assault with intent to murder. Pardon is prayed for on the grounds of the extreme age of the convict, and his universal good deportment during confinement. Petition signed by three hundred prominent citizens of Jackson county. Pardon is therefore granted.

R. B. LINDSAY, Governor.

January 17, 1871.

S. J. Hudgins, L. R. Wilson, A. G. Smith, W. A. Moore, John Gortman, of Barbour county.

In this case, the papers show that at the fall term of the circuit court for Barbour county, judgment was rendered against the above persons for one hundred dollars each, for selling liquors in contravention of law. It is shown that the law prohibiting the sale of ardent spirits, &c., within a certain distance of Burnside Academy, was not believed to be in force, as there had been no school at said Academy for several years, and that the persons convicted did not believe they infringed any law, and were innocent of any intent, therefore fine is remitted.

R. B. LINDSAY, Governor.

January 16, 1871.

Robert J. Lester, Montgomery County.

It is shown in this case, that the said Robert J. Lester was

received at the penitentiary August 28th, 1870; sentenced for two years for larceny, and that he is suffering from organic disease of the heart; his sufferings great and his life in danger, and that he is anxious to die at home. Pardon is therefore granted.

R. B. LINDSAY, Governor.

January 17, 1871.

Henry Hollingsworth, Franklin County.

Was convicted of grand larceny at the circuit court of said county, and sentenced to the penitentiary. Said Hollingsworth is very young, and committed the crime more through youthful indiscretion than with an intent to violate the law; therefore the petition for pardon is granted.

R. B. LINDSAY, Governor.

January 17, 1871.

Eli Miller, Cleburne County.

Was fined in the sum of fifty dollars and costs at the fall term, 1870, of the circuit court, for selling liquors contrary to law. The liquor was obtained for medical purposes, and he was afterwards meretriciously prosecuted. Said Miller is a poor man, with large family, and the payment of the fine would impoverish him. Therefore the fine is remitted.

R. B. LINDSAY, Governor.

January 18, 1870.

William Perkins, Pike County.

It is shown that Perkins was quite a youth when convicted, did not participate in the larceny, further than to receive the stolen goods, he being induced by the thief to take care of them. It is further shown that said Perkins has already suffered sufficient punishment, and that his conduct has been irreproachable since being confined in the Penitentiary. Pardon is therefore granted.

R. B. LINDSAY, Governor.

February 7, 1871.

Dossie Roberts, Tuskaloosa County.

Roberts was tried at the fall term of the circuit court for said county, and fined fifty dollars for an affray with Shandy

Jones and wife. Jones was fined seventy-five dollars and his wife one hundred dollars, both of which were remitted by Governor Smith. It is also shown that Roberts was the only one injured in the affray, and that he is a sober, peaceable man. Fine therefore remitted.

R. B. LINDSAY, Governor.

February 7, 1871.

William Acklen, J. J. Pleasants, Madison County.

At the fall term of circuit court, 1870, were fined one hundred dollars each, for forfeited bond for a freedman. The parties gave due notice that they would not be bound any longer on the bond, and were afterwards assured that a new bond was made, which, owing to official negligence, was not done. Fine remitted.

R. B. LINDSAY, Governor.

February 1, 1871.

Andrew J. Locke, Eufaula, Alabama.

Convicted in the city court of playing cards. The judge and solicitor state that "the circumstances go to show that it was an innocent amusement, involving no criminal intent upon the part of Mr. Locke." Remission of fine granted.

R. B. LINDSAY, Governor.

March 4, 1871.

William E. Black, Mobile, Alabama.

Confined in jail under a conviction for permitting the escape of one Nash, confined on charge of perjury. Pardon is prayed for on account of ignorance of the prison rules, and leniency shown prisoner on account of illness. Petition signed by jury, and solicitor. Pardon granted.

R. B. LINDSAY, Governor.

March 7, 1871.

Lucy Clanton, colored, Montgomery County.

In this case, it is shown that Lucy, a colored girl, has suffered imprisonment for a long time previous to trial; that she is quite young, and as serving in chain gang, as sentenced, would prevent reformation, a pardon warrant has been issued.

Convicted of petit larceny in city court of Montgomery county.

R. B. LINDSAY, Governor.

March 30, 1871.

Armstead Smith, Perry County.

Convicted at the fall term of circuit court, of the crime of burglary. Upon recommendation of the judge, and other citizens, who set forth in their petition, that his conviction was "wrongful and illegal," his pardon is granted.

R. B. LINDSAY, Governor.

April 19, 1871.

Benjamin Kent, colored, Washington County.

Convicted of petit larceny at the spring term of the circuit court, was sentenced to imprisonment for ninety days, then to remain in jail at the rate of 75 cents per day, until all the costs were paid. A petition signed by the judge, solicitor and sheriff, states that the evidence did not show that Ben stole; but only assisted in cleaning the stolen hogs. Pardoned.

R. B. LINDSAY, Governor.

April 21, 1871.

William H. Huckabee, Winston County.

Convicted of selling liquor without license, at the fall term of the circuit court, 1870. Being a licensed distiller, supposed he was allowed to sell what he had paid for the privilege of making. A fine of forty-five dollars is remitted.

R. B. LINDSAY, Governor.

April 21, 1871.

Henry Harralson, colored, Dallas County.

Convicted at the February term of the circuit court, 1869, of fornication and adultery, sentenced to six months labor for the county. Fined one hundred dollars and costs. The prayer for pardon alleges the false swearing of the only witness whose testimony convicted him. The judge and solicitor endorsing the statement, pardon is granted.

R. B. LINDSAY, Governor.

April 21, 1871.

Alexander Jackson, Elmore County.

Convicted in the county court, February term, 1871, of petit larceny, sentenced to six months imprisonment in the county jail. The solicitor and sheriff joined the petitioner in his prayer for pardon, stating that the evidence was vague and uncertain, that the property stolen was not worth more than three dollars; that the said Jackson has an aged mother to support, and that he had never before been convicted of any criminal offense. Pardoned.

R. B. LINDSAY, Governor.

April 21, 1871.

R. S. Compton, Winston County.

Convicted at the spring term of the circuit court of petit larceny. Owing to certain facts set forth by His Honor Judge Mudd, sentence is remitted.

R. B. LINDSAY, Governor.

April 21, 1871.

David H. Moody, Jackson County.

Convicted at the spring term of the circuit court of allowing a prisoner to escape, said Moody being jailor, was fined \$200 and costs. The judge, jury and numerous citizens asked remission of fine, because the jailor was compelled to use the prisoner to clean up the jail, and his escape was owing to no negligence on Moody's part. Fine remitted.

R. B. LINDSAY, Governor.

April 21, 1871.

Tyra E. Spikes, Mobile County.

Convicted in the city court of Mobile, July 9th, 1866, of horse stealing, and sentenced to the penitentiary for ten years. The petition states that at the time of conviction Tyra was a mere lad and of unsound mind. One of the principals in the theft stated on trial that said Spikes was hired at three dollars a day to take care of the stolen horses. Pardoned.

R. B. LINDSAY, Governor.

April 21, 1871.

Daniel McLeod, R. N. D. Hubbard, John L. Murphy, Shelby County.

Were bondsmen of James Teal, held to answer indictment found in Shelby county for violation of revenue laws. Said Teal failing to appear, the above parties were fined \$100 each; they, however, secured the arrest of Teal in Georgia and his return to this State, who, upon trial, was acquitted. Remission of fine is asked by the representative from Shelby, solicitor and others. Fine remitted.

R. B. LINDSAY, Governor.

May 11, 1871.

Isaac Springfield, colored, Mobile County

Was convicted April 8th, 1871, in the city court of Mobile, of murder in the first degree, and sentenced to be hung on the 11th of August, 1871. Commutation of sentence to imprisonment for life in the penitentiary is prayed for. The judge, solicitor, clerk, sheriff and counsel state that the evidence should only have convicted him of murder in the second degree, and that the ends of justice will be fully served by said commutation. Sentence commuted.

R. B. LINDSAY, Governor.

May 11, 1871.

Austin Harris, Bibb County.

Was convicted of selling whiskey without license and fined \$50 at the spring term of the circuit court in Bibb county. The proof shows that he sold only one drink to a man living on the same place. At the solicitation of the prosecuting attorney, Gov. Moren and other citizens, the fine is remitted.

R. B. LINDSAY, Governor.

May 13, 1871.

Samuel D. Paden, Blount County.

Was indicted at the spring term, 1870, tried and convicted at the spring term, 1871, of the circuit court of Blount county, of an "assault and battery" on the person of his wife, Mary E. Paden—sentence, three hundred dollars fine and imprisonment in the county jail for sixty days. Said Mary E. Paden, the principal witness, admitted that the defendant did not

hurt her, and that she provoked him to the assault, being instigated by her father and brother to do so. In consideration of the above facts, stated by prominent citizens, let fine be remitted.

R. B. LINDSAY, Governor.

May 15, 1871.

Jarrett Fennell, colored, Morgan County.

Tried and convicted of "hog stealing," spring term, Morgan court, 1871. Sentenced to six months imprisonment in the county jail and fined \$250. Has served two months in jail, and upon recommendation of Judge Clark, sentence is remitted.

June 6, 1871.

R. B. LINDSAY, Governor.

Danwood Petty, Crenshaw County.

Was convicted of assault and battery, at the spring term, 1871, of said county court, and fined \$50. Owing to his extreme poverty, and upon recommendation of Judge Harper, the fine is remitted.

June 6, 1871.

R. B. LINDSAY, Governor.

Monroe Williamson, Crenshaw County.

Sentenced to jail for ninety days, by county court of said county, for crippling a horse. Petition for pardon signed by the judge and a large number of citizens, this being his first offense. Pardon is granted.

June 6, 1871.

R. B. LINDSAY, Governor.

J. D. Weeden, Wm. M. Lowe, Madison County.

Sureties for the appearance of John Ferrell and Henry Ferrell. The defendants failed to appear and judgment final was rendered. On the hearing of the *scire facias*, it was in proof that the bond which is alleged to have been forfeited, was never accepted by the judge, sheriff, or any court having jurisdiction. Relief granted on recommendation of judge and solicitor.

June 6, 1871.

R. B. LINDSAY, Governor.

Prince Kempson, colored, Marengo County.

Convicted at spring term of circuit court, of assault and

battery and fined two hundred and fifty dollars. It being shown that he has already been in jail nine months, the party assaulted, with others, ask remission of fine. Granted.

June 7, 1871.

R. B. LINDSAY, Governor.

Duggin Hudgson, Marengo County.

Indicted for murder, at the spring term of circuit court. Upon an examination of all the facts, the court and prosecuting attorney agreed that said Hudgson should plead guilty of "manslaughter" in killing Ned Norwood. The evidence showed that the only weapon used in the fight was a small walking cane, and that there was no malice outside of the immediate transaction. The judge, solicitor and many others plead for pardon on account of the youth and previous good standing of the prisoner. The sentence of "two years hard labor for the county" is remitted.

June 7, 1871.

R. B. LINDSAY, Governor.

A. C. F. Smith, Fielding Oalsley, J. M. Smith, Dallas County.

Final judgment rendered at spring term of said court, against the above parties, as sureties for F. B. Brigman, charged with forgery. The parties, through their attorney, succeeded in having Brigman arrested and delivered to the sheriff of Dallas county. The honorable court having stayed execution on judgment to give them time, (for four months,) said Brigman being now in custody, relief is now recommended by the judge. Fine remitted.

June 8, 1871.

R. B. LINDSAY, Governor.

J. W. Fitzgerald, Butler County.

Convicted at May term of circuit court, of forgery in second degree. The petition for pardon, signed by Judge Clark, foreman of the jury and others, state that the evidence showed that Fitzgerald was laboring under a fit of mental aberration, caused from excessive drinking, and that he had served nine months in jail. Pardon granted.

June 9, 1871.

R. B. LINDSAY, Governor.

J. M. Sprowl, Pickens County.

Was bailed for F. M. Spain; he failed to appear, and the forfeiture was taken and made final for one hundred dollars.

After default of defendant, the security recaptured and surrendered him to the sheriff. Fine is therefore remitted.

July 10, 1871.

R. B. LINDSAY, Governor.

S. D. Smith, B. F. May, Charles C. Garrett, W. F. Drummond, W. E. Pegram, Marengo County.

All physicians, convicted at spring term of circuit court of said county, of violation of the revenue laws of Alabama, requiring physicians to obtain licenses, were fined \$30 each. The offense was committed from mere neglect and no intention to defraud; the fees are since paid. Fine remitted.

July 10, 1871.

R. B. LINDSAY, Governor.

Wm. R. Smith, Bullock County.

Tried and convicted in Magistrate's court, of "assault and battery" on the person of his wife; sentenced to thirty days hard labor for the county, fined \$25 and costs. Remission of fine and sentence prayed for because said Smith was a hard working man, and his crop would suffer, &c. Fine and sentence remitted.

July 11, 1871.

R. B. LINDSAY, Governor.

Henrietta Blair, colored, Mobile County.

Convicted at the October term, 1870, of the city court of Mobile, of "arson," and sentenced to ten years imprisonment in the Penitentiary. Pardon is prayed for on the following grounds: "The evidence against the accused was only circumstantial and not conclusive," and she was convicted because of the reluctance of a lady to appear in court as a witness." Petition signed by the presiding judge, prosecuting attorney, county solicitor and sheriff. Pardoned.

July 11, 1811.

R. B. LINDSAY, Governor.

Zack Bowen, colored, Barbour County.

Convicted of "Bigamy" at the spring term of the circuit court of said county. Pardon is prayed for on the grounds of ignorance, said Bowen having when a slave, lived with a woman in "concubinal marriage," upon being freed, moved to Georgia and married again. As soon as convinced of error separated from wife number two, and is willing and anxious

to resume his former marital connection. Petition signed by prominent citizens. Pardon is granted.

July 11, 1871.

R. B. LINDSAY, Governor.

William Franklin, Montgomery County.

Convicted at the October term of the city court of Montgomery, 1870, of "larceny." Plead guilty. Upon the petition of his mother, endorsed by several prominent citizens, and having served eight of the twelve months of hard labor as sentenced, balance of sentence is remitted.

R. B. LINDSAY, Governor.

July 20, 1871.

Mrs. Lydia A. Cline, Calhoun County.

Sentenced to two years in the penitentiary on the charge of "burglary;" has been incarcerated over thirteen months. Conduct exemplary in State prison. Pardon is asked by the inspectors, warden, and other officials. Pardon granted.

R. B. LINDSAY, Governor.

July 20, 1871.

Mary Goodwin, colored, Montgomery County.

Convicted of "larceny" at the June term of the city court, sentenced to three years in the penitentiary. Upon recommendation of the judge, and petition of the sheriff, the sentence is commuted to one year's imprisonment. The reasons given are the youth and ignorance of the convict.

R. B. LINDSAY, Governor.

August 8, 1871.

George Jones, Freedman, Pike County.

Convicted before notary public of larceny, (had stolen seven ears of corn), sentenced to three months hard labor for county and \$20 fine; has served term of labor, and the notary sentencing asks remission of fine. Remission granted.

R. B. LINDSAY, Governor.

August 21, 1871.

George Gadson, Mobile County.

Sent from city court, sentenced for life for the crime of murder in the first degree, received at prison 31st July, 1869, aged 57 years. The penitentiary physician, warden and inspectors certify that he is suffering from an incurable disease, that must soon terminate his life; has been orderly and faithful; recommend pardon. Let warrant issue.

R. B. LINDSAY, Governor.

August 23, 1871.

Ed. Sleeper, colored, Barbour County.

Convicted at Spring term, 1871, of circuit court of said county, of "bigamy," sentenced to hard labor for the county for two years; has been so confined since conviction; for several years previous to emancipation had lived with a slave woman as his wife, lived so until 1867, when she abandoned him for another man; thinking himself absolved, through ignorance he procured license and married another woman. Many prominent citizens asking clemency, he is pardoned.

R. B. LINDSAY, Governor.

August 28, 1871.

Thomas J. Fowler, Pickens County.

Convicted at the Fall term, 1870, and fined \$50 for an affray, petition for remission of fine, signed by many prominent citizens, who state that said Fowler is a poor man and has a large and dependent family. Fine remitted.

R. B. LINDSAY, Governor.

September 19, 1871.

John R. Wright, Pickens County

At the Spring term of circuit court, 1871, a forfeiture was taken and made final against him as defaulting witness for the State; was prevented attending from injuries received from a runaway horse, &c. Signed by solicitor, sheriff and other prominent citizens; fine \$100. Remitted.

R. B. LINDSAY, Governor.

September 19, 1871.

Benton Pett, Marshall County.

Convicted of assault with a pistol. Pardon asked by numerous prominent citizens, for good reasons. Granted.

R. B. LINDSAY, Governor.

September 23, 1871.

Dr. William Haney, Barbour County.

Convicted at the Fall term, 1870, circuit court of said county, of selling spirituous liquors at Fort Browder. Many years ago the "Fort Browder Male Academy" was incorporated, and selling liquors prohibited within a certain distance; the academy was abandoned, and the accused procured license and sold liquor, the fact of prohibition having been forgotten. Was fined \$100. Fine remitted.

October 3, 1871.

R. B. LINDSAY, Governor.

Dr. E. G. Harris, Fayette County.

At Fall term, 1871, of circuit court, was convicted of violation of the revenue laws, in failing to take out license to practice medicine—fined thirty dollars. Has paid his license tax. Petition signed by all the county officers. Fine remitted.

October 6, 1871.

R. B. LINDSAY, Governor.

William Y. Allen, Sanford County.

Convicted at the Fall term, 1871, of the circuit court, of selling liquors without license. For good reasons set forth by his Honor Judge Mudd, and the county solicitor, the fine of forty-five dollars assessed as penalty is remitted.

October 12, 1871.

R. B. LINDSAY, Governor.

Ryan Skinner, colored, Hale County.

Convicted at Fall term of criminal court, 1871, of carrying concealed weapons, and fined fifty dollars and costs. Judge Saffold and others, stating that the boy had no idea of violating the law, and for other mitigating reasons, the fine is remitted.

R. B. LINDSAY, Governor.

October 19, 1871.

Daniel Webster, colored, Sumter County.

Convicted at late term of circuit court of assault and resisting officer; fined one hundred and fifty dollars. Evidence offered since conviction shows that party was not guilty in fact, and upon petition of many prominent citizens, fine is remitted.

R. B. LINDSAY, Governor.

October 19, 1871.

A. Landsburg, Barbour County.

Convicted at May Term, 1871, of selling a pistol to a minor, fined fifty dollars. The evidence is, that the prosecution was prompted by malice, and the father of the boy joining in petition for Executive clemency. Fine is remitted.

R. B. LINDSAY, Governor.

October 27, 1871.

James A. Pike, St. Clair County.

Convicted at spring term, 1871, of circuit court of petit larceny, and fined ten dollars. It being shown that he was the victim of a conspiracy, the fine is remitted.

R. B. LINDSAY, Governor.

November 2, 1871.

F. M. Johnson, Macon County.

Convicted at the — term of the circuit court, of the "felonious taking of the horse of another," sentenced to two years imprisonment, stayed in jail one year before trial, and has since conviction been imprisoned a year. Petition sets forth that the horse was taken in a drunken spree and returned to the premises of the owner. Conduct has been exemplary since imprisoned. Petition signed by judge and jury. Pardoned.

R. B. LINDSAY, Governor.

November 1, 1871.

John Suggs, colored, Pike County.

Convicted of perjury, at the fall term of the circuit court, 1871, on his own confession. The petition signed by many prominent citizens and officers of the law, state that Suggs is

of unsound mind, and cannot comprehend the nature of an oath, and was induced by others to commit the offense. Pardon granted.

R. B. LINDSAY, Governor.

November 2, 1871.

Rodan Isaacs, Sumter County.

Convicted of "grand larceny" at the fall term of circuit court of said county. Subsequent testimony; the petitioners, most of whom were jurymen, and some are county officers, limit the offense to "hunting wild hogs without giving proper notice." Pardon is granted.

R. B. LINDSAY, Governor.

November 3, 1871.

William Gill, Dallas County.

Was convicted of "manslaughter in the second degree," at the fall term, 1871, of Hale county, on change of venue from Dallas. Sentenced to imprisonment in the penitentiary for two years. A petition for remission of sentence, signed by the jury, and a large number of the citizens of Hale and Dallas counties, both white and black, state that the alleged offense was committed in 1866, when, owing to political excitement, great animosity was engendered between the two races. The man killed was a freedman of desperate character. Mr. Gill is endorsed as a good and humane man, and acted only in self-defense. Pardon granted.

R. B. LINDSAY, Governor.

November 13, 1871.

Which message was read in full.

On motion of Mr. Farden two thousand copies of the message was ordered to be printed, with the accompanying documents, except the report of the Auditor and State Treasurer.

RESOLUTION.

Mr. Martin, of Tuskaloosa, offered the following resolution; Which was read and adopted :

Be it resolved, 1. That the message of His Excellency, the Governor of Alabama, be referred to a select committee of three, whose duty it shall be to select such portions of said message, as in their opinion demand special consideration,

and report the same to the Senate, in order that the subjects, so selected for consideration, may be referred to appropriate standing committees.

2. That said select committee be authorized to call upon His Excellency, the Governor, for any further, or additional, information relative to the matters embraced in said message; Provided, That such other information be communicated fully to the Senate.

Messrs. Martin of Tuscaloosa, Worthy and Bromberg were appointed the committee on said resolution.

CALL OF THE DISTRICTS.

On the call of the districts the following bills, joint resolutions and petitions were introduced :

By Mr. Martin of Tuscaloosa—

To authorize the commissioners court of Tuscaloosa county to build a bridge across the Black Warrior river, to appoint trustees thereof, and sell bonds of the county, and to secure said bonds by mortgage;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on roads and public highways.

By Mr. Glass—

To amend section 15 of an act entitled "An act in relation to the chancery courts in the State of Alabama";

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Ordered forthwith to the House without being engrossed.

By Mr. Farden—

Joint resolution for the removal of all political disabilities by the Congress of the United States;

Which joint resolution was read and referred to a select committee, composed of Messrs. Farden, Foster, Wise, Worthy and Oliver.

By Mr. Stow—

For the relief of Ann Eliza Shelton, of Montgomery county;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Foster the bill was amended by including T. Jane Cook, of Wilcox county.

On motion of Mr. Worthy it was further amended by including S. D. Pitts, of Bibb county.

Thus amended the bill was referred to the judiciary committee.

By Mr. Bromberg—

A petition of Charles A. Bradford, of Mobile, for compensation as witness before the Senate judiciary committee;

Which was referred to the judiciary committee.

Senate then adjourned until 10 o'clock to-morrow morning.

THIRD DAY.

WEDNESDAY, November 22, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Wadsworth of this city.

ROLL CALL.

On the call of the roll, the following senators answered to their names :

Messrs. Bromberg, Buckley, Coon, Farden, Foster, Glass, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—26.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

STANDING COMMITTEES.

Mr. President announced the following additions to standing committees :

Mr. Martin, of Tuscaloosa, on the committees on judiciary, education and accounts and claims ;

Mr. Bromberg on the committees on judiciary and municipal and county organizations.

NOTICE TO RECONSIDER.

Before 11 o'clock Mr. Coon gave notice that he would

move to reconsider the vote by which the Senate adopted the resolution offered by Mr. Martin of Tuscaloosa on yesterday.

Message from the House :

HOUSE OF REPRESENTATIVES, }
November 22, 1871. }

Mr. President :

The House has originated and passed a bill to repeal an act entitled, "An act to authorize the publication of the laws of the State of Alabama," approved October 10, 1863.

ELLIS PHELAN,

Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
November 22, 1871. }

Mr. President :

The House has amended and passed the Senate bill to amend section 15 of an act entitled, "An act in relation to the chancery courts of the State of Alabama."

ELLIS PHELAN,

Clerk House of Representatives.

Senate then concurred in the amendment of the House to the Senate bill, to amend section 15 of an act entitled, "An act in relation to the chancery courts of the State of Alabama."

LEAVES OF ABSENCE.

Leave of absence was granted to Mr. Steward for one week, without pay.

Leave of absence was granted to Mr. Buckley for ten days.

Leave of absence was granted to Mr. Hinds until he arrives.

OFFICERS OF THE SENATE.

On motion of Mr. Oliver, the office of door-keeper of the gallery of the Senate was abolished.

On motion of Mr. Worthy, the office of messenger of the Senate was abolished.

On motion, the two present pages were retained.

RESOLUTION.

Mr. Sanford offered the following resolution, which was read and lies over one day, under the rules of the Senate :

Resolved by the Senate, That after the first week of the session, Tuesdays and Fridays of each week be set apart for the consideration of House bill until same be disposed of.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Sevier—

To incorporate the North Alabama Benevolent Medical Aid Society.

By Mr. Sibley—

Securing liens to mechanics, laborers and others.

By Mr. Martin of Tuscaloosa—

To require the county treasurer of Tuscaloosa county to pay pay the fees of the county solicitor for said county in certain cases.

Which bills were severally read twice forthwith under suspension of the constitutional rule and referred to judiciary committee.

By Mr. Sevier—

For the relief of Nellie Crony, of Colbert county.

Which bill was read and ordered to a second reading.

By Mr. Martin of Tuscaloosa—

To fix the time of holding the circuit courts of the third (3d) judicial circuit.

Which bill was read three times forthwith under suspension of the constitutional rule and passed.

Message from the House :

HOUSE OF REPRESENTATIVES, }
November 22, 1871. }

Mr. President :

The House of Representatives has originated and passed bills of the following titles :

To repeal "an act to regulate the publication of legal and other notices in the State of Alabama," approved August 12, 1868, and "an act to amend the same," approved October 10, 1868.

To declare the town of Jacksonville, in the county of Calhoun, to be duly and legally incorporated, and to confer additional powers upon the corporate authorities in issuing bonds to supply the town with water, establishing fire limits and aiding in opening and keeping up roads outside of its limits.

To repeal an act to lay off the county of Dale into four commissioners districts, approved February 16, 1867.

To authorize the probate court of Bullock county to take jurisdiction of the administration of the estate of Marion A. Baldwin, deceased, late of Montgomery county.

To repeal an act to incorporate the town of Ozark in Dale county, approved February 23, 1866.

To repeal an act to give the commissioners courts of the county of Chambers full and complete control over the funds of said county.

To repeal an act to authorize the court of county commissioners of the county of Chambers to borrow money and provide the means of paying the same, approved December 7, 1866.

To repeal an act to regulate the liability of persons to work on the public roads in the county of Benton, approved December 6, 1849.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
November 21, 1871. }

Mr. President :

The House of Representatives has originated and passed a bill to repeal an act to authorize the publication of the laws of the State of Alabama, approved October 10, 1868.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
November 22, 1871. }

Mr. President :

The House has amended, as therein shown, and passed the

Senate bill, to amend section 15 of an act in relation to chancery courts in Alabama.

ELLIS PHELAN,
Clerk House of Representatives.

CONSIDERATION OF HOUSE MESSAGES.

House Bills—

To repeal an act entitled, "An act to give the commissioners court of Chambers county full and complete control of the funds of said county."

To authorize the probate court of Bullock county to exercise jurisdiction over the administration of the estate of Marion A. Baldwin, deceased, late of Montgomery county.

To repeal an act entitled, "An act to authorize the court of county commissioners of Chambers county to borrow money and provide the means of repaying the same," approved December 7, 1866.

Were severally read twice forthwith under suspension of the constitutional rule and referred to the judiciary committee.

House bill—

To repeal an act entitled "An act to incorporate the town of Ozark, in Dale county," approved December 23, 1866 ;

Was read and further consideration postponed until Monday, December 4th.

House bill—

To repeal an act entitled "An act to lay off the county of Dale into four commissioners districts," approved February 16, 1867 ;

Was read and further consideration postponed until Monday December 4th.

House bill—

To declare the town of Jacksonville, in the county of Calhoun, to be duly and legally incorporated, and to confer additional powers upon the corporate authorities in issuing bonds to supply the town with water, establishing fire limits and aiding in opening and keeping up roads outside of its limits ;

Was read twice under suspension of the constitutional rule and referred to the committee on municipal and county organizations.

House bills—

To repeal an act entitled "An act to regulate the publica-

tion of legal and other notices in the State of Alabama," approved August 12, 1868; and an act entitled an act to amend the same, approved October 10, 1868.

To repeal an act entitled "An act to authorize the publication of the laws of the State of Alabama," approved October 10, 1868;

Were severally read twice forthwith under suspension of the constitutional rule and referred to the committee on printing.

The vote on the reference of the latter bill was yeas 14, nays 12;

Those who voted in the affirmative are—

Messrs. Buckley, Coon, Farden, Foster, Glass, Lentz, Mabry, Martin of Russell, Richards, Royal, Stow, Wise, Whitney and Worthy—14.

Those who voted in the negative are—

Messrs. Bromberg, Lambert, McAfee, McIntosh, Mahan, Martin of Tuscaloosa, Miller, Oliver, Sanford, Sevier, Sibley and Yordy—12.

Mr. Oliver moved that the committee be instructed to report on the latter bill to-morrow;

Which motion was lost.

RESOLUTIONS.

Mr. Sibley offered the following resolution,

Which was read and adopted:

Resolved, That the chairman of the judiciary committee be and he is hereby authorized to employ a clerk for said committee, said clerk to be paid six dollars per day, on the certificate of said chairman.

On motion of Mr. Coon the vote on the adoption of said resolution was reconsidered.

Mr. Coon offered the following resolution,

Which was read:

Resolved by the Senate, (the House of Representatives concurring), That a committee of three on the part of the Senate and a like committee on the part of the House of Representatives, be appointed, whose duty it shall be to investigate the condition and history of the State Penitentiary, machinery and appurtenances belonging thereto, and also, the condition and treatment of the penitentiary convicts of the State.

Resolved further, That said committee be authorized to send for persons and papers necessary to make a full investigation,

appertaining thereto, and suggest such other legislation as they may think advisable for the future government of the penitentiary.

On motion of Mr. Worthy the further consideration of the resolution was postponed until the committee report that was appointed under the resolution by Mr. Martin of Tuscaloosa, on yesterday.

Mr. Wise offered the following resolution,
Which was read and adopted :

Resolved, That the Secretary of State be requested to furnish each member of the Senate, for use during the present session, a copy of the Revised Code of Alabama, together with a copy of the printed acts of 1868, 1869-70 and 1870-71, each member to be responsible therefor, to be returned at the close of session to said Secretary.

Mr. Farden offered the following resolution,
Which was read and adopted :

Resolved, That a committee of three be appointed by the President of the Senate to examine the books of the Auditor of State, State Treasurer and Superintendent of Public Instruction, as required by the Revised Code of Alabama.

House bill —

To repeal an act entitled "An act to regulate the liabilities of persons to work on the public roads in the county of Benton," approved December 6, 1849.

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on roads and highways.

RESOLUTION.

Mr. Martin, of Tuscaloosa, offered the following resolution,
Which was read :

Resolved, That the Superintendent of Public Instruction be invited to address the members of the Senate upon the condition and wants of his department at 4 P. M. on Friday next.

Pending consideration of which,

Senate adjourned until 10 o'clock to-morrow morning.

FOURTH DAY.

THURSDAY, November 23, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Wadsworth of this city.

ROLL CALL.

On the call of the roll the following Senators answered to their names—

Messrs. Bromberg, Coon, Farden, Foster, Glass, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—26.

READING OF JOURNAL.

Journal of yesterday was read and approved.

NEW RULE.

Mr. Sanford's resolution, setting apart Tuesdays and Fridays of each week, after the present, for the consideration of House bills, which was introduced yesterday, was called up, read and adopted.

JOINT RESOLUTION.

Mr. Sevier offered the following joint resolution, which was read—

Resolved by the Senate, (the House concurring,) That a committee of three of the Senate, and four of the House, be appointed respectively by the President of the Senate and the Speaker of the House, to take into consideration amendments to the Constitution of the State of Alabama, and that said committee recommend such amendments as are thought necessary, and report accordingly to the two Houses respectively at the earliest practicable time.

Pending the consideration of which, with Mr. Coon entitled to the floor,

On motion of Mr. Worthy, in respect to the memory of the late General James H. Clanton, the Senate adjourned until 10½ o'clock to-morrow morning.

FIFTH DAY.

FRIDAY, November 24, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Wadsworth of this city.

ROLL CALL.

On the call of the roll the following Senators answered to their names.

Messrs. Bromberg, Foster, Glass, Lambert, Lentz, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Royal, Sanford, Sevier, Sibley, Wise and Yordy—17.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the Districts the following bills were introduced—

By Mr. Sibley—

To protect game.

By Mr. Sibley—

To prevent the wanton destruction of fish.

By Mr. Stow—

To authorize Benjamin H. Micou, administrator of the estate of Eben Kirk, deceased, late of Montgomery county, to dispose of real and personal property belonging to said decedent, at private sale.

By Mr. Stow—

To amend an act entitled an act to amend and repeal an act entitled an act to incorporate the Alabama Savings Bank at Montgomery.

By Mr. Bromberg—

To amend an act to incorporate the Firemen's Club of Mobile.

Which bills were severally read twice forthwith, under a suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Mabry—

For the relief of James R. Burwick of Henry county, which bill was read twice, under suspension of the constitutional rule.

On motion of Mr. Oliver, the bill was amended by adding the name of Henry Hurst of Jefferson county.

Thus amended the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Reports of Standing Committees—

ROADS AND PUBLIC HIGHWAYS.

Mr. Whitney, from the committee on roads and public highways, reported favorably to Senate bill—

To authorize the commissioners court of Tuscaloosa county to build a bridge over the Black Warrior river, to appoint trustees thereof, to issue and sell bonds of the county and to secure said bonds by mortgage.

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

To repeal an act entitled "An act to regulate the liabilities of persons to work on the public roads in the county of Benton," approved December 6, 1849.

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported a substitute for Senate bill—

For the relief of Ann Eliza Shelton of Montgomery county, S. D. Pitts of Bibb county and T. Jane Cook of Wilcox county.

Which substitute was adopted.

On motion of Mr. Stow, the bill was amended by adding the name of Samuel H. Hardwick of Montgomery county.

Thus amended the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported a bill—

For the relief of Charles A. Bradford of Mobile.

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

REPORT OF A SELECT COMMITTEE.

Mr. Martin of Tuscaloosa, from the select committee, submitted the following report—

REPORT.

The special committee, to whom was referred the Governor's message, recommend as follows:

1st. That so much of the message as refers to the subject of Immigration, be referred to the committee on industrial resources.

2d. That the portions of the message referring to the subjects, of measures for repayment of temporary loans, and of the reports of the Auditor and Treasurer be referred to the committee on finance.

3d. That the portions of the message referring to education and the establishment of an Agricultural College, be referred to the committee on education.

4th. That so much of the message as relates to the Penitentiary, be referred to the committee on public buildings and institutions.

5th. That so much of the message as refers to the Alabama and Chattanooga railroad, be referred to the committee on internal improvements.

Message from the House:

HOUSE OF REPRESENTATIVES, }
Montgomery, Nov. 24, 1871. }

Mr. President:

The following are the committee appointed on the part of the House to examine the offices of Auditor and Treasurer, as required by section forty of the Revised Code:

Messrs. Ellison, Smitherman, and Smith of Sumter.

The House has originated and passed the following bills:

To authorize the commissioner's court of Shelby county, to levy a special tax from year to year, to pay off the present indebtedness of said county;

To prohibit the sale, making, or giving away of spirituous, vinous or malt liquors of any kind within two miles of Summit, Blount county, Alabama;

To prohibit the sale of spirituous liquors within two miles of the town of Mount Sterling, in Choctaw county;

For the relief of the sureties on the official bond of Newton F. Smith, late tax collector of Greene county;

To amend an act to restrain the powers of the commissioners' court of Coffee county.

ELLIS PHELAN,
Clerk House of Representatives.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To amend an act to restrain the powers of the commissioners' court of Coffee county;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Oliver, the further consideration of the bill was postponed until Monday, December 4th.

House bill—

For the relief of the sureties on the official bond of Newton F. Smith, late tax collector of Greene county;

Was read twice under a suspension of the constitutional rule, and referred to the committee on taxation.

House bill—

To prohibit the sale of spirituous or vinous liquors within two miles of the town of Mount Sterling, in Choctaw county;

Was read twice forthwith under suspension of the constitutional rule.

Mr. Lambert moved to amend the bill by striking out the words,

"Except upon the prescription of a physician;"

Which amendment, on motion of Mr. Foster,

Was laid on the table.

Mr. Sanford moved to refer the bill to the Committee on Grievances and Disabilities;

Which motion, on motion of Mr. Foster, was laid on the table.

Yeas 16, nays 8.

Those who voted in the affirmative, are—

Messrs. Bromberg, Coon, Foster, Glass, Lentz, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Pennington, Sibley, Stow, Wise, Whitney, Worthy and Yordy—16.

Those who voted in the negative, are—

Messrs. Lambert, McAfee, Mahan, Oliver, Richards, Royal, Sanford and Sevier—8.

Bill was ordered to a third reading.

House bills—

To prohibit the sale, making or giving away, of spirituous, vinous, or malt liquors, of any kind, within two miles of Summit, Blount county, Alabama;

To authorize the commissioner's court of Shelby county, to levy a special tax from year to year, to pay off the present indebtedness of said county,

Were severally read three times forthwith, under suspensions of the constitutional rule, and passed.

PETITION.

Mr. Stow, with leave, presented the petition of Taliaferro Page;

Which was read and referred to the committee on grievances and disabilities.

MR. COON'S JOINT RESOLUTION.

The joint resolution offered by Mr. Coon, on Wednesday, proposing a joint committee to investigate the State Penitentiary;

Was taken up.

Mr. Sanford offered the following resolution:

Resolved, That a committee be appointed to ascertain whether or not it will be for the public interest to remove the Penitentiary to some more available place, and healthier locality—and report by bill or otherwise.

Which resolution, together with Mr. Coon's joint resolution, was referred to the committee on public buildings and institutions.]

COMMITTEE ANNOUNCED.

Mr. President announced Messrs. Farden, Whitney and Martin of Tuscaloosa, as the committee on the part of the Senate, to examine the offices of the Auditor of State, and Treasurer, as required by section forty of the Revised Code of Alabama.

JOINT RESOLUTION.

Mr. Stow offered the following joint resolution, which was read and referred to the committee on internal improvements:

Be it resolved by the Senate, (the House concurring,) That a

joint committee of the two Houses, consisting of three from each, to be appointed by the presiding officers be appointed to inquire into all the matters connected with the endorsement of bonds and payment of interest on the same by the Governor, his conduct and action in reference to the A. & C. road, and to enquire into every act of the Governor in behalf of the State, and to report as early as practicable the result of their investigation, and to suggest such action as they may deem necessary to protect the dignity, interests and honor of the State of Alabama.

MR. SEVIER'S JOINT RESOLUTION.

Mr. Sevier's joint resolution proposing a joint committee on amendments to the constitution of the State of Alabama was taken up.

Pending its consideration—

Senate adjourned until 10½ o'clock to-morrow morning.

SIXTH DAY.

SATURDAY, November 25, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Wadsworth of this city.

ROLL CALL.

On the call of the roll the following Senators answered to their names:

Messrs. Bromberg, Coon, Farden, Glass, Johnston, Lambert, Lentz, McAfee, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney, Worthy and Yordy—22.

READING OF JOURNAL.

Journal of yesterday was read and approved.

RECONSIDERATION.

On motion of Mr. Worthy, the Senate reconsidered the vote by which the House bill—

To amend an act entitled an act to restrain the powers of the commissioners court of Coffee county, was postponed until Monday, December 4th.

Bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

ADDITION TO COMMITTEES.

Mr. President announced that he had added Mr. Miller to the committees on internal improvement and public buildings and institutions.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills and joint resolutions were introduced :

By Mr. Lentz—

To prohibit the selling, making, or giving away of liquors within two miles of the Lentzville church and school house, in the county of Limestone ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sevier—

To regulate the publication of legal notices in the county of Lawrence ;

Which bill was read twice forthwith, under the suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Sanford—

To require vendors of real estate to have all notes or other evidences of any liens on lands sold, recorded when titles have been executed ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Martin of Tuscaloosa—

Joint resolutions proposing amendments to the constitution of the State of Alabama ;

Which were read twice forthwith, under suspension of the

constitutional rule, 150 copies ordered to be printed, and referred to the committee on education.

By Mr. Pennington—

To authorize the Governor to raise money by loan or otherwise ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance.

Said committee was requested to report at 11 o'clock to-morrow morning, for which hour, said bill was made the especial order.

COMMITTEES CONSOLIDATED.

On motion of Mr. Lambert, the committees on finance and taxation were consolidated.

Mr. Sanford was constituted chairman of said consolidated committees.

Mr. Martin of Tuscaloosa, was added to said committee.

Message from the House :

HOUSE OF REPRESENTATIVES, }
November 25, 1871. }

Mr. President :

The House has originated and passed a bill of the following title :

To amend section six (6) of an act to incorporate the Baptist Female Institute, at Moulton.

And has adopted the following resolution :

Resolved (the Senate concurring), That a joint committee be appointed, consisting of three members of the House and three of the Senate, to which shall be referred that part of the Governor's message relating to his endorsement of railroad bonds ; the seizure of the Alabama and Chattanooga railroad ; the adjudication of the company claiming said road by the United States court to be a bankrupt ; that said committee report to the general assembly all information that can be obtained upon said subjects ; and further report by bill or resolution such measures as may be necessary to save the State from loss by reason of her present complicated and em-

barrassing relation to said road; committee shall have power to send for persons and papers.

ELLIS PHELAN,
Clerk of House of Representatives.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To prohibit the sale of spirituous liquors within two miles of the town of Mt. Sterling, in Choctaw county, was read a third time and passed.

House bill—

To amend section six (6) of an act to incorporate the Baptist Female Institute at Moulton.

Was read twice forthwith, and referred to the committee on judiciary.

House joint resolution—

Proposing a joint committee in relation to the endorsement of bonds and payment of interest, &c., by the Governor;

Was read and referred to the committee on internal improvements.

Senate bill—

For the relief of Nellie Crony of Colbert county,

Was read a second time.

On motion of Mr. Worthy, the bill was amended by striking out the words, "and it is made the duty."

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule and passed.

Senate then adjourned until 11 o'clock to-morrow morning.

SEVENTH DAY.

MONDAY, November 27, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Gwin, of the First Baptist Church, of this city.

ROLL CALL.

On the call of the roll the following senators answered to their names :

Messrs. Bromberg, Coon, Farden, Glass, Hinds, Johnston, Lambert, Lentz, McAfee, McIntosh, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—26.

READING OF JOURNAL.

Journal of Saturday was read and approved.

SPECIAL ORDER—REPORT OF A STANDING COMMITTEE.

Mr. Sanford, from the committee on finance and taxation, reported favorably to

Senate bill—

To authorize the Governor to raise money by loan or otherwise ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed—yeas 21, nays 0.

Those who voted in the affirmative are :

Messrs. Bromberg, Coon, Farden, Glass, Hinds, Johnston, Lambert, Lentz, McAfee, McIntosh, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Yordy—21.

CALL OF THE DISTRICTS.

On the call of the districts the following bills, joint resolutions and petitions were introduced:

By Mr. Lentz—

To amend an act entitled An act to fix the times of holding the circuit courts in the 4th judicial circuit.

By Mr. Sevier—

To amend subdivision 7 of section 112 of the revenue laws; Which bills were severally read twice forthwith, under suspension of the constitutional rule, and ordered to a third reading.

By Mr. Sevier—

To regulate the time of holding beat elections ;

Which bill was read twice forthwith under suspension of the constitutional rule, and referred to the committee on privileges and elections

By Mr. Sevier—

To regulate the working on the public roads in the county of Franklin.

By Mr. Martin of Russell—

To require the holders of treasury notes issued by the commissioners court of Russell county to present them for redemption ;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Martin of Tuscaloosa—

A petition of E. F. Comegys of Tuscaloosa ;

Which was referred to the committee on finance and taxation.

By Mr. Farden—

For the relief of certain railroads ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Farden—

To repeal an act entitled " An act to regulate the system of public schools in the county of Mobile ;"

Which bill was read twice forthwith under suspension of the constitutional rule and referred to the committee on education.

By Mr. Farden—

Making appropriations for the fiscal year ending September 30, 1872 :

Which bill was read twice forthwith under suspension of the constitutional rule and referred to the committee on appropriations.

By Mr. Farden :

Joint resolution as follows :

Resolved by the Senate of Alabama, (the House of Representatives concurring), That a committee of five to be appointed by the President of the Senate and five to be appointed by the Speaker of the House of Representatives, who shall constitute a joint committee, whose duty it shall be to take into consideration such amendments as they may deem necessary to the revenue laws of Alabama, and report the same to this General Assembly ;

Which was read and lost.

Yeas 9, nays 13.

RESOLUTION.

Mr. Farden offered the following resolution, which was read and adopted :

Resolved, That five hundred copies of the report of the commissioners appointed by the Governor to examine the offices of the auditor of State, the State treasurer, the superintendent of public instruction and quarter-master, according to section 70 of the Revised Code of Alabama, be printed for the use of the Senate.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 27, 1871. }

Mr. President :

The House has originated and passed a bill to authorize the Governor to issue a patent to D. D. Gibson and John N. Bibb, administrators of the estate of James M. Freeman, deceased, and has adopted the following resolution :

Resolved, (the Senate concurring), That a committee of five be appointed on the part of the House of Representatives to act with a committee of three on the part of the Senate, to confer with a committee to be raised by the board of education to devise ways and means to carry into effect the educational system of this State, with leave to report by bill or otherwise.

The House has organized and passed bills as follows :

To supply the probate judge of Choctaw county with books and documents.

For the relief of the board of regents.

ELLIS PHELAN,
Clerk House of Representatives.

CONSIDERATION OF HOUSE MESSAGES.

House joint resolution proposing a joint committee of the two Houses to confer with a committee to be raised by the board of education ;

Was read and indefinitely postponed.

House Bill—

To authorize the Governor to issue a patent to D. D. Gibson and John N. Bibb, administrators of the estate of James M. Freeman, deceased ;

Was read twice forthwith under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

House Bill—

To supply the probate judge with books and documents;

Was read twice forthwith under suspension of the constitutional rule and referred to the committee on appropriations.

Senate Bill—

For the relief of Nellie Crony of Colbert county;

Was read a third time and referred to a select committee composed of Messrs. Sevier, Oliver and Mahan, with instructions to report a general bill.

House Bill—

For the relief of the board of regents;

Was read twice forthwith under suspension of the constitutional rule and referred to the committee on education.

SENATE JOINT RESOLUTION.

Mr. Sevier's joint resolution proposing a joint committee on amendments to the State constitution came up as unfinished business. Mr. Farden moved to make the committee five on the part of the House;

Which motion was laid on the table.

Pending consideration of the joint resolution,

Senate adjourned until 10½ o'clock to-morrow morning.

EIGHTH DAY.

TUESDAY, November 28, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Gwin, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names.

Messrs. Bromberg, Coon, Farden, Glass, Hinds, Johnston, Lambert, Lenfz, McAfee, McIntosh, Mabry, Mahan, Martin

of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—28.

READING OF JOURNAL.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Lambert—

To amend an act entitled an act to repeal and amend an act to amend and repeal subdivision 10 of section 750 of the Revised Code of Alabama;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

To prevent petit larceny;

Which bill was read twice forthwith under suspension of the constitutional rule.

Mr. Royal moved to lay the bill on the table;

Which was lost.

Bill was referred to the judiciary committee,

CLERK ALLOWED.

On motion of Mr. Worthy, the chairman of the judiciary committee was allowed to employ a clerk for said committee.

Reports of standing committees.

MUNICIPAL AND COUNTY ORGANIZATIONS.

Mr. Sanford, from the committee on municipal and county organizations, reported favorably to Senate bill—

To incorporate the town of Birmingham, Jefferson county;

Which bill was read twice forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

To declare the town of Jacksonville, in the county of Calhoun, to be duly and legally incorporated, and to confer additional powers upon the corporate authorities in issuing bonds

to supply the town with water, establishing fire limits, and aiding in opening and keeping up roads outside of its limits ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

APPROPRIATIONS.

Mr. Whitney, from the committee on appropriations, reported favorably to House bill—

To supply the probate judge of Choctaw county with books and documents ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported adversely to Senate bill—

To incorporate the North Alabama Benevolent Medical Aid Society ;

Which adverse report was concurred in.

Also, from the same committee, reported favorably, with amendment, to Senate bill—

To require the county treasurer for Tuscaloosa county to pay the fees of the county solicitor for said county in certain cases;

Which amendment was adopted and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to the Senate bill—

To regulate the publication of legal notices in the county of Lawrence;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to Senate bill—

To authorize Benjamin H. Micou, administrator of the estate of Eben Kirk, deceased, to sell real and personal property belonging to said decedent at private sale;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendment, to Senate bill—

To prevent the wanton destruction of fish;

Which amendment was adopted.

Mr. Pennington moved to indefinitely postpone the bill;

Which motion was lost—yeas 11, nays 15.

Those who voted in the affirmative are—

Messrs. Foster, Johnston, Lambert, Mabry, Mahan, Oliver, Pennington, Sanford, Sevier, Wise and Whitney—11.

Those who voted in the negative are—

Messrs. Bromberg, Coon, Farden, Glass, Hinds, Lentz, McAfee, Martin of Russell, Martin of Tuscaloosa, Miller, Richards, Royal, Sibley, Worthly and Yordy—13.

On motion of Mr. Sibley, the bill was amended by striking out the words, "except on their own premises."

On motion of Mr. Sibley, the bill was further amended by restricting its provisions to "Madison county."

Thus amended the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendment, to the Senate bill—

To protect game;

Which amendment was adopted.

On motion of Mr. Sibley, the bill was amended by striking out the words, "except on his own premises."

Said bill, on various motions, was amended so as to except from its provisions the following counties—

"Choctaw, Clarke, Washington, Barbour, Coosa, Tallapoosa, Fayette, Tuscaloosa, Colbert, Franklin, Lawrence, Winston, Clay, Talladega, Bibb, Shelby, Chambers, Randolph, Cleburne, Jefferson, Walker, St. Clair, Marshall, Lee, Jackson, DeKalb, Etowah, Bullock, Cherokee and Calhoun."

Thus amended the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendment, to House bill—

To amend section 6 of An act to incorporate the Baptist Female Institute at Moulton;

Which amendment was adopted.

The bill was read a third time forthwith; under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to the House bills—

To repeal An act to authorize the court of county commissioners of Chambers county to borrow money and to provide the means of repaying the same, approved December 7, 1866.

To authorize the probate court of Bullock county to exercise jurisdiction over the administration of the estate of Marion A. Baldwin, deceased, late of Montgomery county.

To repeal An act to give the commissioners court of the county of Chambers full and complete control over the funds of said county;

Which bills were severally read a third time forthwith, under suspension of the constitutional rule, and passed.

Message from the Governor:

Mr. President:

I am directed by the Governor to inform you that he has approved the following bill, originating in the Senate—

An act to amend section 15 of an act entitled An act in relation to the chancery courts of Alabama.

Very respectfully,

W. V. CHARDAVOYNE,

Secretary.

Message from the House:

HOUSE OF REPRESENTATIVES, }
November 28, 1871. }

Mr. President:

The House has originated and passed bills as follows—

To require county superintendents of free public schools to keep the public funds of each township separate and distinct.

To keep the school funds separate from the other funds of the State.

The House has also passed Senate bills as follows—

For the relief of C. A. Bradford of Mobile.

To authorize the commissioners court of Tuskaloosa county to build a bridge over the Black Warrior river, to appoint trustees thereof, to issue and sell bonds of the county, and to secure said bonds by mortgage.

ELLIS PHELAN,

Clerk House of Representatives.

Message from the Governor—

Mr. President:

I am directed by the Governor to submit the accompanying

report of the inspectors of the Penitentiary, which was only this day received.

Very respectfully,

W. V. CHARDAVOYNE,

Secretary.

Report of the inspectors of the Penitentiary was taken up.
A motion was made to print 500 copies.

Mr. Farden moved to amend by printing 1,000 copies ;

Which motion was lost, and the motion to print 500 copies prevailed.

CONSIDERATION OF HOUSE MESSAGES.

House bills—

To require the county superintendents of free public schools to keep the public funds of each township separate and distinct.

To keep the school funds separate from the other funds of the State ;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on education.

Report of standing committees—

PRINTING.

Mr. Farden, from the committee on printing, reported a substitute for House bill—

To repeal an act entitled “ an act to authorize the publication of the laws of the State of Alabama,” approved October 10, 1868.

Pending consideration of which substitute—

Senate adjourned until 10 $\frac{1}{4}$ o'clock to-morrow morning.

NINTH DAY.

WEDNESDAY, November 29, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Gwin of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney, Worthy and Yordy—27.

READING OF JOURNAL.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Martin of Tuscaloosa—

To quiet titles in certain cases ;

Which bill was read twice, under suspension of the constitutional rule and referred to the judiciary committee.

By Mr. McAfee—

To prohibit the sale of all intoxicating liquors within two miles of the male and female academy, and the Baptist and Methodist churches in the town of Fayetteville, in the county of Talladega ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Mabry—

For the relief of delinquent tax payers ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and laid on the table.

By Mr. Worthy—

For the relief of Mrs. Sarah E. Hastings, executor of E. M. Hastings, deceased ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

REPORT OF STANDING COMMITTEE.

Mr. Miller, from the committee on engrossed bills, reported sundry bills correctly engrossed.

REPORT OF A SELECT COMMITTEE.

Mr. Sevier, from select committee, reported favorably to Senate bill—

For the relief of Nellie Crony of Colbert county ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Message from the House :

HOUSE OF REPRESENTATIVES,
Montgomery, Nov. 29, 1871. }

Mr. President :

The House has originated and passed bills as follows :

To compensate the solicitor of Limestone county in certain cases.

To repeal an act to authorize the commissioners of revenue for Mobile county to elect the tax assessor for said county and remove said assessor.

To incorporate the Bluff City Hook and Ladder Company of the city of Eufaula.

To incorporate the town of Guntersville in the county of Marshall.

To prohibit the sale of spirituous liquors within one mile of Salem church in Cherokee county.

To prohibit the sale of spirituous, vinous or malt liquors in the town of Somerville, Morgan county, and within three miles thereof.

To prohibit the unlawful injury of animals.

For the relief of Emma Clark, a minor.

To require the Auditor to furnish the judge of probate of Choctaw county a list of all lands sold for taxes since May, 1865, and purchased by the State.

To repeal section 3 of "an act to reorganize and establish the municipal government of the city of Mobile," approved July 18, 1868.

To supply the county of Choctaw with a tract book.

To authorize the commissioners court of Choctaw county to procure a map and field notes of the survey of all lands in said county.

To regulate sales by the sheriffs of this State.

The House has also adopted the following resolution :

Resolved, (the Senate concurring,) That the two Houses of the General Assembly meet in the hall of the House, at the hour of 12 m., on Thursday, the 7th day of December next, for the purpose of electing by joint ballot, solicitors for the several judicial circuits of this State.

Also, the following resolution :

Be it resolved by the House of Representatives, (the Senate concurring,) That a committee of seven, four from the House, and three from the Senate, be appointed to investigate the charges set forth in the different memorials against the Hon. John Elliott, judge of the 6th judicial circuit; that the committee be empowered to send for persons and papers, and to report by resolution or otherwise.

The committee on the part of the House are Messrs. Strauss, Lewis, Doster and Lowe.

The House has referred the accompanying memorial from citizens of West Florida, in relation to annexation, to a committee of three on the part of each house, provided the Senate concur therein.

ELLIS PHELAN,
Clerk House of Representatives.

CONSIDERATION OF HOUSE MESSAGES.

House bills—

To repeal an act entitled "an act to authorize the commissioners of revenue for Mobile county to elect the tax assessor for said county, and remove said assessor."

To regulate sales by the sheriffs of this State;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To compensate the solicitor of Limestone county in certain cases;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on fees and salaries.

House bills—

To repeal section 3 of an act entitled "an act to reorganize and establish the municipal government of the city of Mobile," approved July 18, 1868;

To incorporate the Bluff City Hook and Ladder Company of the city of Eufaula;

To incorporate the town of Guntersville, in the county of Marshall;

Which bills were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bills—

To prohibit the sale of spirituous liquors, within one mile of Salem Church, in Cherokee county;

To prohibit the sale of spirituous, vinous or malt liquors, in the town of Somerville, Morgan county, and within three miles thereof;

To prohibit the unlawful injury of animals;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

House bill—

For the relief of Emma Clark, a minor;

To require the Auditor to furnish the judge of probate of Choctaw county a list of all lands sold for taxes since May 25, 1865, and purchased by the State;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

House bill —

To authorize the commissioners' court of Choctaw county, to procure a map and field notes of the survey of all lands in said county;

Was read three times forthwith, under suspension of the constitutional rule and passed.

House bill—

To supply the county of Choctaw with a tract book;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on accounts and claims.

HOUSE JOINT RESOLUTION.

Proposing a joint committee on Thursday, December 7th, for the election of solicitors for the several judicial circuits;
Was read.

On motion of Mr. Farden, said joint resolution was indefinitely postponed;

Yeas 16, nays 10.

Those who voted in the affirmative, are—

Messrs. Coon, Farden, Foster, Hinds, Lentz, Mahan, Martin of Russell, Oliver, Richards, Royal, Sevier, Sibley, Steward, Stow, Whitney and Worthy—16.

Those who voted in the negative, are—

Messrs. Bromberg, Lambert, McAfee, McIntosh, Mabry, Martin of Tuscaloosa, Miller, Sanford, Wise, and Yordy—10.

Mr. Worthy gave notice that he would move to reconsider said vote.

HOUSE JOINT RESOLUTION.

Proposing a joint committee to investigate sundry charges against Hon. John Elliott, Judge of the 6th judicial circuit;
Was read.

Pending its consideration,

Mr. McAfee moved to adjourn until 10½ Friday morning.

Mr. Bromberg moved to amend by making it Monday next at 10½ o'clock;

Which motion was lost.

Yeas 5, nays 18.

Those who voted in the affirmative, are—

Messrs. Bromberg, Glass, Hinds, Martin of Russell and Miller—5.

Those who voted in the negative, are—

Messrs. Coon, Foster, Lambert, McAfee, McIntosh, Mabry, Martin of Tuscaloosa, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Wise, Whitney, Worthy and Yordy—18.

Senate adjourned until 10½ o'clock Saturday morning.

TENTH DAY.

SATURDAY, December 2, 1871.

Senate met pursuant to adjournment, and was called to order by Mr. Sanford.

PRAYER.

Prayer by the Rev. Dr. Gwin of this city.

ROLL CALL.

On the call of the roll, no quorum being present, the Senate took a recess until 11 o'clock, and the sergeant at arms was instructed to bring in absent members.

After recess the Senate was called to order.

ROLL CALL.

On the call of the roll again, the following Senators answered to their names—

Messrs. Barr, Coon, Farden, Glass, Lambert, Lentz, McAtee, Mabry, Martin of Tuscaloosa, Oliver, Royal, Sanford, Sevier, Steward, Stow and Worthy—16.

There being no quorum present, the Senate took another recess of fifteen minutes.

After recess, Senate was called to order.

ROLL CALL.

On the call of the roll, the following Senators answered to their names—

Messrs. Barr, Coon, Farden, Glass, Lambert, Lentz, McAfee, Martin of Tuscaloosa, Oliver, Royal, Sanford, Sevier, Steward, Stow and Worthy—16.

Senate adjourned until 10½ o'clock Monday morning,

ELEVENTH DAY.

MONDAY, December 4, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Kinzer of the Methodist Protestant Church of this city.

ROLL CALL.

On the call of the roll the following Senators answered to their names.

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Worthy—21.

READING OF THE JOURNAL.

Journal of Wednesday and Saturday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Worthy.

RECONSIDERATION.

Mr. Worthy was allowed until the last of this week to move to reconsider the vote by which the Senate indefinitely postponed the House joint resolution proposing a joint convention for the election of solicitors for the judicial circuits.

CALL OF THE DISTRICTS.

On the call of the Districts the following bills and joint resolution were introduced—

By Mr. Sevier—

To repeal section 34 of An act to regulate elections in this State;

Which bill was read and ordered to a second reading.

By Mr. Sevier—

To repeal section 1858 of the Revised Code of Alabama;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Sevier—

To direct how a certain judgment recovered by township 6, range 10, west, when collected, shall be paid;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Hinds—

To provide for holding a term of the chancery court for the 6th chancery district of the northern chancery division;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Sibley—

To authorize the Governor to subscribe for a map of Alabama;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. McAfee—

To change the county line between the counties of Randolph and Lee;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed—yeas 27, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Worthy—27.

By Mr. Wise—

To authorize George W. Moore to practice medicine in this State;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Lambert—

To repeal paragraph 4 of section 957 of the Revised Code of Alabama;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on education.

By Mr. Martin of Russell—

To prevent the unlawful killing of any buzzard or carrion-crow;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

By Mr. Martin of Russell—

To allow tax collectors further time to collect the taxes due the State and the several counties;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Mabry—

Joint resolution proposing amendments to the constitution of the State of Alabama;

Which was read.

On motion of Mr. Farden it was laid on the table, and 150 copies ordered to be printed.

By Mr. Coon—

For the relief of John S. Corbin;

Which bill was read twice forthwith, under the suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Foster—

To provide for the completion of the Alabama State tract books in the office of the Secretary of State;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Worthy, Foster and Farden.

By Mr. Worthy—

To amend the third and eighth sections of an act entitled "An act to incorporate the Pensacola and Mobile railroad company;"

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Worthy—

For the relief of Solomon Wolff of Pike county;

For the relief of Henderson, Murphree and Henderson, of Pike county;

Which bills were severally read twice under a suspension of the constitutional rule, and referred to the committee on finance and taxation.

Message from the House :

HOUSE OF REPRESENTATIVES, }
December 2, 1871. }

Mr. President :

The House has originated and passed the following bills :

To decrease the pay of commissioners court of Chambers county ;

To authorize and empower A. W. Jones, probate judge of Conecuh county, to exercise jurisdiction over the estate of Jephtha V. Perryman, deceased, notwithstanding his relationship to the deceased ;

To repeal an act to consolidate the offices of tax collector and assessor in the county of Marion ;

To provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa ;

To remove the guardianship of Bird and James Fitzpatrick, to Pike county ;

To empower Mrs. Caroline Durrah of Cleburne county, to sell certain lands therein described ;

To amend an act for the relief of delinquent tax-payers, approved January 26, 1871 ;

To authorize and empower the judge of probate of Tuscaloosa county to procure copies of field notes ;

To authorize the redemption of lands sold for taxes and purchased by the State ;

Requiring the justices of the peace of Chambers county to act as apportioners and supervisors of public roads in their respective beats ;

To authorize James O. Atkins of Butler county, to erect gates across the public road leading from Greenville to Cahaba ;

To authorize Mrs. Malissa Howle, widow of Thomas T. Howle, deceased, to sell certain land therein described, and to make titles to the same ;

To prevent the destruction of certain game in Mobile county ;

To amend section first of an act to enable the commissioners courts of St. Clair, Walker, and Choctaw counties, respectively, to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties, approved February 7th, 1871 ;

To prevent gambling within two miles of Mulberry College, Blount county, Alabama ;

For the relief of Willie Raiford of Marengo county ;
 To incorporate the town of Cherokee, in Colbert county ;
 To incorporate the town of Somerville, in Morgan county,
 Alabama ;

To amend section four (4) of an act to incorporate the
 town of Pickensville.

ELLIS PHELAN,
 Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, {
 December 2, 1871. }

Mr. President:

The House has originated and passed the following bills :

To amend section 3306 of the Revised Code of Alabama ;

Requiring the justices of the peace of Marion county to
 act as apportioners and supervisors of public roads in their
 respective beats ;

To repeal sections 2534, 2535 and 2536 of the Revised
 Code ;

To secure justices of the peace and notaries public in their
 fees, in certain cases ;

To amend section 2377 (1988) of the Revised Code ;

To prevent the selling, giving or delivering fermented,
 vinous or spirituous liquors to any person who is reputed to
 be of unsound mind ;

To allow John J. Delchamps of the county of Mobile, to
 cut a canal and to collect toll thereon ;

To prohibit the sale of vinous, spirituous and malt liquors
 within two miles of the furnace at Irondale, Jefferson county ;

To amend section 3306 of the Revised Code ;

To authorize Michael J. Brennan and Charles Cavorac, citi-
 zens of New Orleans, State of Louisiana, to qualify in the
 city of Mobile, Ala., as co-executors of the last will and tes-
 tament of D. O'Grady, deceased.

Respectfully,

ELLIS PHELAN,
 Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
December 2, 1871. }

Mr. President :

The House has originated and passed the following bill :
To amend section 2568 of the Revised Code.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the Governor :

Mr. President :

I am directed by the Governor to inform you that he has approved the following acts originating in the Senate :

An act to authorize the commissioners court of Tuscaloosa county to build a bridge over the Black Warrior river ; to appoint trustees thereof ; to issue and sell bonds of the county, and to secure said bonds by mortgage.

An act for the relief of C. A. Bradford, of Mobile.

Respectfully,

W. V. CHARDAVOYNE,
Secretary.

Reports of standing committees :

ENROLLED BILLS.

Mr. Sibley, from the committee on enrolled bills, reported sundry bills, correctly enrolled.

ENGROSSED BILLS.

Mr. Miller, from the committee on engrossed bills, reported sundry bills correctly engrossed.

ACCOUNTS AND CLAIMS.

Mr. Foster, from the committee on accounts and claims, reported favorably to House bill—

To supply the county of Choctaw with a tract book ;
Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported favorably to Senate bill—

To prohibit the sale of all intoxicating liquors within two miles of the Male and Female Academy and the Baptist and Methodist churches in the town of Fayetteville, in the county of Talladega ;

Which bill was read a third time, under suspension of the constitutional rule, and passed.

FEES AND SALARIES.

Mr. Sevier, from the committee on fees and salaries, reported favorably to House bill—

To compensate the solicitor of Limestone county in certain cases ;

Which bill was recommitted to the judiciary committee, with leave to report a general bill.

EDUCATION.

Mr. Richards, from the committee on education, reported favorably with an amendment to House bill—

To keep the school funds separate from the funds of the State. Pending consideration of said amendment,

On motion of Mr. Worthy,

Senate adjourned until 10½ o'clock to-morrow morning. Yeas 14, nays 13.

Those who voted in the affirmative are :

Messrs. Foster, Farden, Glass, Hind's, Lambert, McAfee, Mabry, Mahan, Martin of Russell, Sevier, Wise, Whitney, Worthy and Mr. President—14.

Those who voted in the negative are :

Messrs. Barr, Bromberg, Coon, Lentz, Martin of Tuscaloosa, Oliver, Miller, Pennington, Richards, Royal, Sanford, Sibley and Steward—13.

TWELFTH DAY.

TUESDAY, December 6, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Kinzer of this city.

ROLL CALL.

On the call of the roll the following Senators answered to their names—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise and Worthy—26.

READING OF JOURNAL.

Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Steward.

CONSIDERATION OF HOUSE MESSAGES.

House Bills—

To repeal an act entitled an act to lay off the county of Dale into four commissioners districts, approved February 16, 1867.

To repeal an act entitled an act to incorporate the town of Ozark, in the county of Dale, approved February 23, 1866 ;
Were severally read a second time and laid over until Friday next.

House bills—

To amend an act entitled an act for the relief of delinquent tax payers, approved January 26, 1871.

To incorporate the town of Cherokee, in Colbert county.

To decrease the pay of the commissioners court of Chambers county.

To authorize and empower A. W. Jones, probate judge of Conecuh county, to exercise jurisdiction over the estate of

Jeptha V. Perryman, deceased, notwithstanding his relationship to the deceased.

To empower Mrs. Caroline Durrah, of Cleburne county, to sell certain lands therein described.

To authorize and empower the judge of probate of Tuscaloosa county to procure copies of field notes.

To authorize Michael J. Brennan and Charles Cavorac, citizens of New Orleans, State of Louisiana, to qualify in the city of Mobile as co-executors of the last will and testament of D. O'Grady, deceased.

For the relief of Willie Raiford, of Marengo county.

To prevent the destruction of certain game in the county of Mobile;

Were severally read three times forthwith, under suspension of the constitutional rule, and passed.

House bills—

To amend section four (4) of an act entitled "an act to incorporate the town of Pickensville;"

To incorporate the town of Somerville, in the county of Morgan;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bills—

To amend section 1285 of the Revised Code of Alabama;

To amend section 1282 of the Revised Code of Alabama;

To give force and validity to the proceedings of the Mobile and North Western Railroad Company;

To remove the administration of the estate of James W. Powers, deceased, from the county of Wilcox, to the county of Butler;

To authorize William H. Wood, as administrator of the estate of Richard H. Wood, deceased, to sell the land belonging to said estate at private sale;

To authorize the redemption of lands sold for taxes and purchased by the State;

To amend section 2568 of the Revised Code of Alabama;

To amend section 3306 of the Revised Code of Alabama;

To repeal sections 2534, 2535 and 2536 of the Revised Code of Alabama;

To secure justices of the peace and notaries public in their fees in certain cases;

To amend section 2377 (1988) of the Revised Code of Alabama;

To prevent the selling, giving or delivering fermented, vinous or spirituous liquors to any person who is reported to be of unsound mind;

To amend section 3306 of the Revised Code of Alabama;

To prevent gambling within two miles of Mulberry College, Blount county;

Requiring the justices of the peace in Marion county to act as apportioners and supervisors of the public roads in their respective beats;

To remove the guardianship of Bird and James Fitzpatrick to Pike county;

To repeal an act entitled "an act to consolidate the offices of tax collector and assessor in the county of Marion;"

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa;

Was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Lambert, McAfee and Mabry.

House bill—

Requiring the justices of the peace of Chambers county to act as apportioners and supervisors of the public roads in their respective beats;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Wise, the bill was amended by extending its provisions to the county of Cleburne.

Bill was then referred to the judiciary committee.

House bill—

To authorize James O. Atkins of Butler county to erect gates over the public road leading from Greenville to Cahaba;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on roads and public highways.

House bill—

To authorize Mrs. Melissa Howe, widow of Thomas T. Howe, deceased, to sell certain lands therein described, and make title to the same;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

House bill—

To amend section 1st of an act entitled "an act to enable the commissioners courts of St. Clair, Walker and Choctaw counties respectively, to build bridges and have public buildings repaired, and to make the same preferred claims against said counties," approved February 7, 1871;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on accounts and claims.

House bill—

To prohibit the sale of vinous, spirituous and malt liquors within two miles of the furnace, at Irondale, Jefferson county;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Oliver, the bill was amended in section 1st, by inserting the words, "or give away."

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bills—

To allow John J. Delchamps of the county of Mobile, to cut a canal and collect toll thereon;

To prevent railroad companies from discriminating between local and through freight;

Were severally read twice forthwith, under suspensions of the constitutional rule, and referred to the committee on internal improvements.

House bills—

To repeal an act entitled "An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalk, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence," approved March 3, 1870, so far as it relates to the counties of Dale, Jefferson, Shelby, Bibb and St. Clair;

To regulate office hours for the sale of tickets to the traveling public on the railroads in the State of Alabama;

To amend an act entitled "An act for the relief of laborers and employers;"

Were severally read twice forthwith, under suspension of the constitutional rule, and indefinitely postponed.

House bill—

To make James H. Crowder a citizen of Pike county, by changing the boundary line between the counties of Pike and Bullock;

Was read twice forthwith, under a suspension of the constitutional rule, and laid over until Friday next.

House bill—

To make Thorington Perkins and Stephen Abercrombie, liners between the counties of Perry and Bibb, citizens of Bibb county, and to change the line between said counties;

Was read three times forthwith, under suspension of the constitutional rule, and passed—yeas 23, nays 1.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Miller, Oliver, Pennington, Richards, Royal, Sanford Sibley, Stow, Wise and Whitney—23.

Mr. Martin of Tuscaloosa voted in the negative—1.

House bill—

To change the line between the counties of Calhoun and Etowah;

Was read three times forthwith, under suspension of the constitutional rule, and passed—yeas 25, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise and Whitney—25.

House bill—

To repeal an act entitled "An act to authorize the several counties and towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may deem most conducive to their respective interests, except as to certain counties and cities therein named;"

Was read twice forthwith, under suspension of the constitutional rule, and laid on the table—yeas 16, nays 8.

Those who voted in the affirmative are—

Messrs. Bromberg, Buckley, Coon, Farden, Foster, Lambert, Lentz, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Pennington, Richards, Stow, Wise and Whitney—16.

Those who voted in the negative are—

Messrs. Barr, McAfee, McIntosh, Oliver, Royal, Sanford, Sevier and Sibley—8.

House bill—

For the relief of A. M. Mills and F. S. Breitling, adminis-

trators *de bonis non*, with the will annexed, of Goetleib Breiting, deceased, late of Marengo county;

Was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Bromberg, Lambert and Oliver.

House joint memorial—

Joint memorial of the General Assembly of Alabama to the Congress of the United States asking for the revival of the land grant made to the State of Alabama, before and since the war, to aid in the construction of the Elyton, Corinth and Tennessee River Railroad, from Birmingham, Alabama, in the direction of Pittsburgh, Tennessee, through the counties of Jefferson, Walker, Winston, Marion and Franklin;

Was read and adopted.

BILL INTRODUCED.

Mr. Pennington, with leave, introduced a bill—

To establish a college at Auburn, Lee county, Alabama, for the benefit of agriculture and the mechanic arts, pursuant to an act of the Congress of the United States on that subject, approved July 2, 1862;

Which was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of one from each congressional district, namely: Messrs. Pennington, Martin of Tuscaloosa, Mabry, Bromberg, Sevier, Sanford, and Mr. McAfee for the State at large.

Message from the House:

HOUSE OF REPRESENTATIVES,
Montgomery, Dec. 5, 1871. }

Mr. President:

The House has originated and passed bills as follows:

To repeal an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, so far as it relates to the counties of Dale, Jefferson, Shelby, Bibb and St. Clair.

To authorize William H. Wood, as the administrator of the estate of Richard H. Wood, deceased, to sell the land belonging to said estate at private sale.

To remove the administration of the estate of James W.

Powers, deceased, from the county of Wilcox to the county of Butler.

To give force and validity to the proceedings of the Mobile & Northwestern Railroad Company.

To amend section 1285 of the Revised Code.

To regulate office hours for the sale of tickets to the traveling public, on the railroads in the State of Alabama.

To amend an act for the relief of laborers and employers.

To amend section 1282 of the Revised Code.

To make James H. Crowder a citizen of Pike county, by changing the boundary line between Pike and Bullock counties.

To declare Therington Perkins and Stephen Abercrombie, liners between the counties of Perry and Bibb, citizens of Bibb county, and to change the line between said counties.

To change the line between the counties of Calhoun and Etowah.

To prevent railroad companies in this State from discriminating between local and through freights.

To repeal an act to authorize the several counties and towns and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests, except as to certain counties and cities therein named.

For the relief of A. M. Mills and F. S. Breitling, administrators *de bonis non* with the will annexed, of Gottlieb Breitling, deceased, late of Marengo county.

The House has passed Senate bill to regulate the publication of legal notices in the county of Lawrence.

The House concurs in the amendment of the Senate to the House bill,

To amend section 6 of an act to incorporate the Baptist Female Institution at Moulton.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
December 5, 1871. }

Mr. President :

The House has originated and passed the following joint memorial :

Joint memorial of the General Assembly of Alabama to the Congress of the United States, asking for the revival of the land grants made to the State of Alabama before and since the war, to aid in the construction of the Elyton, Corinth & Tennessee River Railroad, from Birmingham, Alabama, in the direction of Pittsburg, Tennessee, through the counties of Jefferson, Walker, Winston, Marion and Franklin.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE JOINT RESOLUTION,

Proposing a joint committee to investigate sundry charges against Hon. John Elliott, judge of 6th judicial circuit ;

Was taken up.

Mr. Farden moved to indefinitely postpone said joint resolution ;

Which motion was lost. Yeas 12, nays 13.

Those who voted in the affirmative are :

Messrs. Barr, Buckley, Farden, Glass, Lentz, Martin of Russell, Oliver, Pennington, Richards, Royal, Stow and Wise—12.

Those who voted in the negative are :

Messrs. Bromberg, Coon, Foster, Lambert, McAfee, Mabry, Mahan, Martin of Tuscaloosa, Miller, Sanford, Sevier, Sibley and Whitney—13.

Mr. Coon offered the following resolution, which was read and adopted :

Resolved by the Senate, That the Secretary of the Senate is instructed to return to the House of Representatives, where it originated, the joint resolution proposing a joint committee of the two Houses of the General Assembly to investigate sundry charges against the Hon. John Elliott, judge of the 6th judicial circuit, set forth in certain memorials transmitted with the joint resolution ; since the charges, if proven, are of such a grave character that they will furnish sufficient ground for impeachment, as provided in the constitution of the State ; and since the method proposed by the joint resolution of the House is not the most just or proper for investigating and passing upon such grave charges against a judicial officer.

Senate then adjourned until 10½ o'clock to-morrow morning.

THIRTEENTH DAY.

WEDNESDAY, December 7, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Kinzer of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, and Worthy—27.

READING OF JOURNAL.

Journal of yesterday was read and approved.

NOTICE OF RECONSIDERATION.

Mr. Lambert, before 11 o'clock, gave notice that he would move to reconsider the vote by which the Senate laid on the table yesterday, House bill—

To repeal an act entitled "An act to authorize the several counties and towns and cities of the State of Alabama to subscribe to the capital stock of such railroad companies throughout the State as they may deem most conducive to their respective interests, except as to certain counties and cities therein named."

COMMITTEE ANNOUNCED.

Mr. President announced that Mr. McAfee had been added to the select committee on Senate bill—

To establish a college at Auburn, Lee county, Alabama, for the benefit of agriculture and the mechanic arts, in pursuance of an act of the Congress of the United States, approved July 2, 1862.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced ;

By Mr. Sanford—

To regulate the salaries of certain State officers ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on fees and salaries.

By Mr. Sanford—

To make Eliza J. Starling of Cherokee county, a free dealer ;

Which bill was read twice forthwith under suspension of the constitutional rule and referred to the committee on grievances and disabilities.

By Mr. Martin of Tuscaloosa—

To establish a college for the benefit of agriculture and the mechanic arts as a branch of the University of Alabama, pursuant to an act of Congress on that subject, approved July 2, 1862.

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the select committee on that subject, which was raised on yesterday.

By Mr. Martin of Tuscaloosa—

To amend section 2739 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Martin of Tuscaloosa ;

For the relief of Mrs. Priscilla C. Jemison, widow of the late Robert Jemison, jr., of Tuscaloosa county ;

Which bill was read twice forthwith² under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. McAfee—

To provide for the support of the Freedmen's Hospital, located near the city of Talladega ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on accounts and claims.

By Mr. Bromberg—

To regulate the mode of obtaining grand jurors for the city court of Mobile, and prescribing the qualification of such grand jurors ;

To regulate the return of venires, and the service of list of jurors in trials for capital offenses ;

Which bills were read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Richards—

For the protection of personal property ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

* Message from the House :

HOUSE OF REPRESENTATIVES, }
December 6, 1871. }

Mr. President :

The House has originated and passed bills as follows—

To amend section 1402 of the Revised Code ;

To require the supreme court to re-instate upon the docket of said court upon certain conditions therein expressed, a certain appeal from the circuit court of Limestone county ;

To regulate the publication of legal notices, sheriff's sales, tax sales, and official reports in Conecuh, Washington, Lee, Montgomery and Perry counties ;

To authorize the Memphis and Charleston railroad company to issue bonds secured by mortgage for the construction of branch roads or for other lawful purposes ;

To repeal sections 3931, 3935, 3936, 3937, 3938 and 3939 of the Revised Code, so far as they relate to the counties of Covington, Marengo, Marshall and Conecuh.

ELLIS PHELAN,
Clerk of House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
December 6, 1871. }

Mr. President :

The House has originated and passed the following bills :

To confer on John T. Rather and Silas P. Rather, administrator's of Edward M. Thompson, deceased, authority to compromise a suit ;

For the relief of Wm. McCrary of Hale county, and John Jones of Geneva county.

ELLIS PHELAN,
Clerk House of Representatives.

REPORT OF SELECT COMMITTEE.

Mr. Bromberg, from select committee, reported favorably to House bill—

For the relief of A. M. Mills and F. S. Breitling, administrators *de bonis non*, with the will annexed, of Gotlieb Breitling, deceased, late of Marengo county;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed,

Reports of Standing Committees :

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported adversely to Senate bill—

To prevent petit larceny ;

Which adverse report was concurred in.

Also, from the same committee, reported adversely to House bill—

To regulate sales by the sheriffs of this State ;

Which adverse report was concurred in.

ENGROSSED BILLS.

Mr. Miller, from the committee on engrossed bills, reported sundry bills, correctly engrossed.

EDUCATION.

Mr. Richards, from the committee on education, reported adversely to Senate bill :

To repeal an act entitled An act to regulate the system of public schools in the county of Mobile ;

Which adverse report was concurred in.

Also, from the same committee, reported adversely to House bill :

To require county superintendents of free public schools to keep the funds of each township separate and distinct ;

Which adverse report was concurred in ;

Yeas 19, nays 6.

Those who voted in the affirmative, are—

Messrs. Barr, Bromberg, Buckley, Coon, Foster, Lambert, Mabry, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Wise and Whitney—19.

Those who voted in the negative, are—

Messrs. Farden, Glass, Johnston, Lentz, Martin of Russell, and Stow—6.

Mr. McAfee was excused from voting—1.

Also, from the same committee, reported favorably to Senate bill :

To repeal paragraph 4 of section 957 of the Revised Code of Alabama ;

Which bill was ordered to a third reading.

Also, from the same committee, reported adversely to House bill :

For the relief of the Board of Regents ;

Which bill was recommitted to the judiciary committee.

Also, from the same committee, reported favorably to Senate joint resolution

Proposing an amendment to Article XI of the Constitution of the State of Alabama ;

Which joint resolution was made special order for 12 o'clock on Monday next.

ROADS AND PUBLIC HIGHWAYS.

Mr. Whitney, from the committee on roads and public highways, reported favorably to House bill :

To authorize James O. Atkins of Butler county to erect gates across the public road leading from Greenville to Cahaba ;

Which bill was ordered to a third reading.

ACCOUNTS AND CLAIMS.

Mr. Foster, from the committee on accounts and claims, reported a substitute for House bill :

To amend section 1 of an act entitled "An act to enable the commissioners' courts of St. Clair, Walker and Choctaw counties to erect bridges and have public highways repaired, and make the same preferred claims against said counties ;"

Which substitute was adopted, the bill read a third time. under suspension of the constitutional rule, and passed:

INTERNAL IMPROVEMENTS.

Mr. Coon, from the committee on internal improvements, submitted the following majority report relative to certain House and Senate joint resolutions :

Mr. President:

Your committee upon internal improvements, to whom were referred the two proposed joint resolutions, the one originating in this Senate and the other in the House of Representatives, have had the same under careful and earnest consideration, and now beg leave to make the following report :

Upon a close examination of the Senate joint resolution, your committee find that the proposed joint committee would be empowered to make examinations into, and recommend punishment for, the misconduct of officials in a manner or way calculated to provoke an unjust criticism, if no injustice was done to the accused.

The language of the resolution to which we refer authorizes the committee "to inquire into all matters connected with the indorsement of bonds and the payment of interest on the same by the *Governor*; his conduct, connection and acts, in reference to the Alabama and Chattanooga railroad company; to inquire into every act of the Governor in behalf of the State, and to report at as early a day as practicable the result of their investigation, and suggest such action on the part of the General Assembly as the committee may deem necessary to protect the dignity, interests and honor of the State of Alabama."

Such is, in part, the language of the resolution, and the position which has caused, in the minds of your committee, grave doubts touching the propriety of their passage or adoption by this branch of the General Assembly.

That the objects of the resolution may be eminently proper subjects of investigation, your committee entertain no doubts; but, upon mature reflection, they find that it confers powers upon said committee, when appointed, to inquire into the conduct and official acts of the Governor and other officers of your State whom the committee might conceive guilty of maladministration of office to such a degree as to compel the recommendation of articles of impeachment. In that event,

your committee would most respectfully submit, for the consideration of your honorable body, that the members of the proposed joint committee selected by this Senate would, by their own acts, participating as they would in the investigation, render themselves incompetent jurors, before whom the accused might be tried.

Again, should this committee be raised, the Senate members thereof would, in case of presentment of impeachment, render themselves incompetent jurors from the fact that the *presentment* would, in itself, be an expression of judgment in advance of the case to be tried.

Should the counsel for the accused object to the Senate members of said proposed joint committee, there is no doubt entertained by your committee that they would be rejected.

Again, should this Senate join the House of Representatives in raising said committee, and the committee should find cause for recommending articles of impeachment, your committee feel assured that the Senate might, justly, be by many censured for having, impliedly, if not actually, prejudiced the cause of the accused.

Your committee would further add, that the investigations suggested by the resolution, as above quoted, are subjects eminently proper for the House of Representatives, as it has "sole power of preferring impeachment," (see article iv, section 24 of constitution.) It would appear from the reading of this section of the constitution, that in all cases where an official's acts are called in question, be it for maladministration or otherwise, the House of Representatives acts the part and performs the duties of a grand jury in a judicial proceeding, and always finds the indictment (or impeachment as the case may be termed), while the Senate performs the duty of a petit jury, finding the verdict. In order that they may satisfy their own consciences and the public, the Senate itself should carefully abstain from any expression of opinion, directly or indirectly, be it by resolution or otherwise. Feeling confident that sufficient has been said, and also feeling that, if for no other cause, the question of propriety will prevent the adoption or passage of this resolution, your committee would most respectfully return said resolution to the Senate, and recommend that further action of the same be indefinitely postponed.

Your committee would further report that they have had the proposed House joint resolution under consideration, and

find it, to all intents and purposes, the same as the Senate joint resolution, though differing somewhat in phraseology.

Inasmuch as the objections and questionable propriety entertained by your committee to the passage and adoption of the proposed Senate joint resolution, are, in every particular, applicable to the House joint resolution, they would most respectfully recommend that the Secretary of the Senate be instructed to return the latter to the House of Representatives, from whence it came, accompanied with a copy of the proposed Senate joint resolution and a copy of the report of your committee, to the end that the House of Representatives may be the more fully apprised of the objections entertained by the Senate to the consideration of joint resolutions which confer unlimited license or power to joint committees to introduce resolutions or articles of impeachment against State officials whose character and official conduct is a part of, and runs parallel with, the financial credit, honor and respectability of the State.

All of which is most respectfully submitted.

D. E. COON,
Ch'n Com. on Inter. Imp'ts.
J. J. HINDS,
CHARLES O. WHITNEY,
JNO. T. FOSTER,
J. A. FARDEN,
J. DEF. RICHARDS.

Mr. Pennington submitted the following minority report

The committee on internal improvements to whom was referred Senate and House resolutions proposing a joint committee of the two houses to inquire into and investigate as to bonds indorsed by the Governor, the payment of the interest on the bonds of the Alabama and Chattanooga railroad company, &c., &c., have had the same under consideration, and ask leave to report them back to the Senate, recommending that they do not pass, and for these reasons :

1st. In the opinion of the committee all legitimate information desired may be obtained by application to the Executive office, from the records therein, or by a simple resolution of the two houses calling on the Governor for a statement of all his official transactions in connection with the subjects named in the resolutions.

2d. That in the opinion of your committee, instead of being productive of any good, these pretended investigations tend to excite unnecessarily the public mind at home, and to

impair confidence and damage the credit of our State abroad.
All of which is respectfully submitted.

J. L. PENNINGTON.

Pending consideration of which reports—

Senate adjourned until 10½ o'clock to-morrow morning.

FOURTEENTH DAY.

THURSDAY, December 7, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Kinzer of this city.

ROLL CALL.

On the call of the roll the following Senators answered to their names—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney, Worthy and Yordy—
31.

READING OF JOURNAL.

Journal of yesterday was read and approved.

REPORT OF A SELECT COMMITTEE.

Mr. Lambert, from select committee, reported favorably to House bill :

To provide for the collection and distribution of the fines and forfeitures in the counties of Clay and Coosa ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

CALL OF THE DISTRICTS.

On the call of the Districts the following bills and joint resolutions were introduced—

By Mr. Lentz—

To make Mary Eliza Hayes, of Limestone county, a free dealer ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. McAfee, the bill was amended by adding "Mrs. Elizabeth L. Bennett, wife of Alva D. Bennett, of Talladega county."

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sevier—

Joint resolution proposing amendments to the Constitution of the State of Alabama ;

Which was read and ordered to a second reading.

By Mr. Glass—

To repeal an act to incorporate the Society Hill High School, approved January 14, 1858 ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on education.

By Mr. Mabry—

To refund to Barbour county certain amounts of money erroneously allowed from the county tax ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Stow—

To provide for the sale of the lands which belonged to James H. Judkins, deceased, at the time of his death ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Stow—

To establish a State board of health ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Stow, Pennington, Sevier, Worthy and Martin of Tuscaloosa.

By Mr. Bromberg—

To encourage the investment of moneys in this State by life insurance companies of other or foreign States ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on banks and insurance.

By Mr. Richards—

Providing for the better and more effectual collection of the taxes within the corporate limits of the town of Camden ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

Mr. McAfee moved to amend by striking out the words " twenty per cent." and inserting " ten per cent ;"

Bill and amendment were referred to the committee on finance and taxation.

By Mr. Martin of Tuscaloosa—

To authorize guardians to resign ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Reports of standing committees—

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported adversely to Senate bill—

To authorize George W. Moore to practice medicine in this State ;

Which was concurred in.

Also, from the same committee, reported adversely to Senate bill—

For the relief of John S. Corbin ;

Which adverse report was concurred in.

Also, from the same committee, reported adversely to Senate bill—

To repeal section 1858 of the Revised Code of Alabama ;

Which adverse report was concurred in.

Also, from the same committee, reported adversely to Senate bill—

To allow tax collectors further time to collect the taxes due the State and the several counties ;

Which adverse report was concurred in.

Also, from the same committee, reported favorably to House bill—

To give force and validity to the proceedings of the Mobile and Northwestern Railroad company ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

To prevent gambling within two miles of Mulberry college, Blount county ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported adversely to House bill—

To amend section 1235 of the Revised Code of Alabama ;

Which adverse report was concurred in.

Also, from the same committee, reported favorably to House bill—

To amend section 3306 of the Revised Code of Alabama ;

Which bill was read a third a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported adversely to House bill—

To amend section 2568 of the Revised Code of Alabama ;

Which adverse report was concurred in.

Also, from the same committee, reported adversely to House bill—

Requiring the justices of the peace of Marion county to act as apportioners and supervisors of public roads in their respective beats ;

Which adverse report was concurred in.

Also, from the same committee, reported adversely to House bill—

To repeal an act entitled an act to authorize the commissioners of revenue of Mobile county to elect the tax assessor for said county and remove said assessor ;

Which adverse report was concurred in.

MUNICIPAL AND COUNTY ORGANIZATIONS.

Mr. Sanford, from committee on municipal and county organizations, reported favorably to House bill—

To repeal section 3 of an act entitled "An act to reorganize and establish the municipal government of the city of Mobile," approved July, 1868.

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

To amend section 4 of an act entitled "An act to incorporate the town of Pickensville ;"

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendment, to House bill—

To incorporate the Bluff City Hook and Ladder Company of the City of Eufaula ;

Which amendment was adopted, and the bill, as amended, read a third time forthwith and passed.

Also, from the same committee, reported favorably to the House bill—

To incorporate the town of Guntersville in the county of Marshall ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

INTERNAL IMPROVEMENTS.

Mr. Coon, from the committee on internal improvements, reported favorably to the Senate bill—

For the relief of certain railroads ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

To allow John J. Delchamps of the county of Mobile to cut a canal and collect toll thereon ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

GRIEVANCES AND DISABILITIES.

Mr. Oliver, from the committee on grievances and disabilities, reported favorably to House bill—

To authorize the Governor to issue a patent to D. D. Gibson and John N. Bibb, administrators of the estate of James M. Freeman, deceased ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

PRIVILEGES AND ELECTIONS.

Mr. Hinds, from the committee on privileges and elections, reported favorably to Senate bill—

To regulate the time of holding beat elections ;

Which bill was recommitted to the same committee.

RESOLUTION.

Mr. Sibley offered the following resolution, which was read and adopted—

Resolved, That the Secretary of the Senate be authorized to have 350 copies of the Governor's Message and accompanying documents half-bound for the use of the Senate, the same to be paid on his certificate, to the Auditor by warrant on the State Treasurer.

BILL INTRODUCED.

Mr. Lambert, with leave, introduced a bill—

To provide for paying the Directors appointed upon the part of the State, in railroad companies receiving, or that have received, the aid of the State in their construction;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Lambert, Miller and Oliver.

Message from the Governor :

A message was received from the Governor asking the confirmation of Col. J. L. Tait as Commissioner of Industrial Resources, to be considered in executive session ;

Which was read.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
December 7, 1871. }

Mr. President:

The House has originated and passed the following bills :

Authorizing and empowering the Governor to draw his warrant upon the Treasurer to pay for legal services rendered the State by the late General James H. Clanton.

To confer upon married women under twenty-one years of age the same rights and obligations, in law and equity as is possessed by married women over twenty-one years of age.

To repeal an act entitled "An act to suppress murder, lynching and assaults and batteries.

To relieve Mary S. Harris of Sumter county from settling her guardian accounts in the probate court of said county for the space of five years.

To compel probate judges and other county officers in each

and every county in this State, to give as sureties on their official bonds persons residing in their respective counties.

To put in force certain provisions of the Revised Code relating to publication of legal and other notices.

To authorize and empower John T. Cook, judge of probate of Wilcox county, to complete and perfect the records and minutes of the proceedings of said court, which were left incomplete by his predecessor, James H. Burdick.

For the payment of certain claims out of the general county fund.

For the benefit of Stella Crandal of Calhoun county.

ELLIS PHELAN,

Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
Montgomery, Dec. 7, 1871. }

Mr. President :

The House has passed Senate bills as follows :

To require the country treasurer for Tuscaloosa county to pay the fees now due the county solicitor for said county in certain cases.

To fix the time of holding the circuit courts of the third judicial circuit.

To authorize B. H. Micou, administrator of the estate of Eben Kirk, deceased, late of Montgomery county, to dispose of real and personal property belonging to said decedent at private sale.

The House concurs in the Senate amendment to House bill—

To prohibit the sale of vinous, spirituous and malt liquors within two miles of the furnace at Irondale, Jefferson county.

ELLIS PHELAN,

Clerk House of Representatives.

UNFINISHED BUSINESS.

Senate resumed consideration of the majority and minority reports from the committee on internal improvements, on yesterday, relative to House and Senate joint resolutions, proposing a joint committee to investigate the endorsement of bonds and payment of interest on the same by the Governor, &c.

Mr. Mabry moved to indefinitely postpone both reports ;

Which motion was lost.

Mr. Bromberg moved to refer to the committee on finance and taxation.

Mr. Pennington moved to lay said motion on the table;
Which motion was lost.

Mr. Bromberg's motion then prevailed.

Senate resumed consideration of the substitute reported by the committee on printing for House bill—

To repeal an act entitled "An act to authorize the publication of the laws of the State of Alabama," approved October 10, 1868.

On motion of Mr. Oliver the substitute was laid on the table—yeas 17, nays 10.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Foster, Hinds, Johnston, Lambert, Lentz, McAfee, McIntosh, Mahan, Martin of Tuscaloosa, Oliver, Sanford, Sevier, Sibley, Wise and Yordy—17.

Those who voted in the negative are—

Messrs. Bromberg, Buckley, Farden, Mabry, Miller, Pennington, Richards, Stow, Whitney and Worthy—10.

Mr. Pennington moved to lay the bill on the table;

Which motion was lost—yeas 13, nays 16.

Those who voted in the affirmative are :

Messrs. Buckley, Coon, Farden, Glass, Hinds, Johnston, McIntosh, Mabry, Martin of Russell, Pennington, Richards, Stow and Whitney—13.

Those who voted in the negative, are—

Messrs. Barr, Bromberg, Foster, Lambert, Lentz, McAfee, Mahan, Martin of Tuscaloosa, Miller, Oliver, Sanford, Sevier, Sibley, Wise, Worthy and Yordy—16.

Pending consideration of the bill—

Senate adjourned until 10½ o'clock to-morrow morning.

FIFTEENTH DAY.

FRIDAY, December 8, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Kinzer of this city.

ROLL CALL.

On the call of the roll the following Senators answered to their names:

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Sanford, Sevier, Sibley, Steward, Stow, Wise, Worthy and Yordy—29.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

NOTICE OF RECONSIDERATION.

Before 11 o'clock, Mr. Oliver gave notice that he would move to reconsider the vote by which the Senate concurred in the adverse report of the judiciary committee to Senate bill—

To authorize George W. Moore to practice medicine in this State.

Reports of standing committees :

ENROLLED BILLS.

Mr. Yordy, from the committee on enrolled bills, reported as correctly enrolled—

An act to authorize Benjamin H. Micou, administrator of Eben Kirk, deceased, late of Montgomery county, to dispose of real and personal property belonging to said decedent at private sale.

BILL INTRODUCED.

Mr. Lambert, with leave, introduced a bill—

To pay for the legal services of the late General James H. Clanton;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

Message from the House :

HOUSE OF REPRESENTATIVES, }
December 8, 1871. }

Mr. President :

The House has originated and passed the following bills :
To establish public holidays.

To regulate the chancery courts in the fifth district of the southern chancery division of the State of Alabama.

To repeal an act for the relief of laborers and employees.

To prohibit the sale, or giving away, of vinous, spirituous or malt liquors within two miles of Village Springs in Blount county, Ala., and the works of the Chewacla Lime Company in Lee county.

To declare valid the acts of Notaries Public in certain cases.

To extend the time within which the Bienville Water Works Company of the city and county of Mobile may commence and construct their water works without forfeiture.

To increase the pay of witnesses in attendance upon all courts in Greene county, except justices' courts.

To repeal chapter seven of title three of part four of the Revised Code.

For the relief of Mrs. Catharine Norton.

To define and restrict the operation of the exemption laws of Alabama.

To authorize married women to mortgage their statutory separate estate in certain cases.

ELLIS PHELAN,

Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 8, 1871. }

Mr. President:

The House has originated and passed the following bill:

To amend section 1860 of the Revised Code.

ELLIS PHELAN,

Clerk House of Representatives.

CONSIDERATION OF HOUSE MESSAGES.

House bills—

To repeal an act entitled "An act to lay off the county of Dale into four commissioners districts," approved February 16, 1867.

To repeal an act entitled "An act to incorporate the town of Ozark in the county of Dale," approved Feb. 23, 1866.

Were severally read a third time and passed.

House bill—

Authorizing and empowering the Auditor to draw his warrant upon the Treasurer to pay for legal services rendered the State by the late Gen. James H. Clanton;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

RESOLUTION.

Mr. Coon offered the following resolution, which was read and adopted :

Resolved, That His Excellency the Governor be requested to inform the Senate of the names of the counsel employed by the State in the States of Alabama, Georgia, Mississippi and Tennessee, or elsewhere, in the matter of the State of Alabama and the Alabama & Chattanooga Railroad Company; and, also, the amount of compensation agreed to be paid them respectively, and what amount has been paid to the same.

House bill—

To make James H. Crowder a citizen of Pike county, by changing the boundary line between Pike and Bullock counties :

Was read three times forthwith, under suspension of the constitutional rule, and passed.

Yeas 27, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Glass, Johnston, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Sanford, Sevier, Sibley, Steward, Stow, Wise, Worthy Whitney and Yordy—27.

House bills—

To confer upon married women under twenty-one years of age, the same rights and obligations in law and equity as is possessed by married women over twenty one years of age.

To repeal an act entitled "An act to suppress murder, lynching, assaults and batteries."

To relieve Mary S. Harris of Sumter county, from settling her guardian's accounts in the probate court of said county, for the space of five years.

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To compel probate judges and other county officers in each and every county of this State, to give as sureties on their official bonds, persons residing in their respective counties;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Farden, the bill was indefinitely postponed.

Yeas 20, nays 9.

Those who voted in the affirmative, are—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Glass, Johnston, Lentz, McIntosh, Martin of Russell, Oliver, Richards, Sanford, Sibley, Steward, Stow, Wise, Whitney and Yordy—20.

Those who voted in the negative are :

Messrs. Lambert, McAfee, Mahan, Martin of Tuscaloosa, Miller, Pennington, Sevier, and Worthy—9.

House bill—

To put in force certain provisions of the Revised Code, relating to publication of legal and other notices ;

Was read three times forthwith, under suspension of the constitutional rule.

Said bill was amended so as to include the counties of Coosa, Franklin, Colbert, Conecuh, Greene and Pickens, and referred to the Judiciary Committee.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Pennington, until Tuesday next.

Message from the Governor :

Mr. President :

I am directed by the Governor to inform you that he has approved the following bill, originating in the Senate—

An act to authorize B. H. Micou, administrator of the estate of Eben Kirk, deceased, late of Montgomery county, to dispose of real and personal property belonging to said decedent, at private sale.

Respectfully,

W. V. CHADAVOYNE.

Dec. 8, 1871.

Secretary.

JOINT RESOLUTION.

Mr. Pennington, with leave, introduced joint resolution to consolidate the committees of the two Houses of the General Assembly relative to the establishment of an agricultural college;

Which was read.

On motion of Mr. Martin of Tuscaloosa, said joint resolution was laid on the table. Yeas 19, nays 9.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Coon, Farden, Glass, Lambert, Lentz, McAfee, McIntosh, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Sanford, Sevier, Sibley and Whitney—19.

Those who voted in the negative are :

Messrs. Buckley, Hinds, Mabry, Pennington, Steward, Stow, Wise, Worthly and Yordy—9.

Senate then adjourned until 10½ o'clock to-morrow morning.

SIXTEENTH DAY.

TUESDAY, December 9; 1871

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Kinzer, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names.

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Glass, Hinds, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney, Worthly and Yordy—26.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Sevier—

For the relief of A. Devaney of Franklin county ;

Which bill was read twice forthwith, under the suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Sibley—

To amend section 1053 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Oliver—

To authorize Thomas M. Knight to erect a mill dam across the Warrior river ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mahan—

To establish an election precinct in the county of Bibb to be known as Ashbey ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Lambert—

For the relief of J. W. Veasey from the disability of non-age ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Worthy, the bill was amended by adding the names of " Ann Eliza Shelton, of Montgomery county, Samuel H. Hardwick, of Montgomery county, T. Jane Cook, of Wilcox county, and S. D. Pitts, of Bibb county."

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

To refund to the estate of John N. Copeland, deceased, late of Barbour county, an over payment of taxes for 1870 ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Barr—

Joint resolution appointing a committee of the two Houses of the General Assembly to take into consideration the subject of the interest of the State as involved in her connection with the Alabama and Chattanooga railroad company, with instructions to report by bill or otherwise, what legislation, if any, be necessary ;

Which joint resolution was read and referred to the committee on finance and taxation.

By Mr. Worthy—

To pay certain witnesses therein named ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on accounts and claims.

By Mr. Worthy—

To invite and procure immigration into the State of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

Mr. McAfee moved to amend as follows :

“ Provided, That no compensation be allowed out of the the treasury of Alabama for the exercise of the powers in said bill contained.”

Bill and amendment referred to the judiciary committee.

By Mr. Sanford—

To insure the pay of laborers and those who furnish supplies on the Alabama and Chattanooga railroad ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Sanford—

For the relief William E. Holleman, of DeKalb county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sanford—

To regulate the publication of annual settlements of estates in the county of Calhoun ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Coon—

For the relief of the tax collector of Dallas county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Message from the House :

HOUSE OF REPRESENTATIVES, }
December 9, 1871. }

Mr. President :

The House has originated and passed bills as follows :

To provide for administering the securities that are or may be held by this State from the Security Insurance company

of New York, the Yonkers & New York Fire Insurance company, the North American Fire Insurance company, the Manhattan Fire Insurance company of New York, the Lorillard of New York, the Ætna of New York, the U. S. Fire and Marine Insurance company of Baltimore, and the Home Insurance company of New Haven, and from all other insurance companies from whom the State now holds or may hold hereafter such securities.

To restrain the commissioners court of Butler county from levying a tax for county purposes of more than fifty per cent. on the present State tax.

To amend subdivision 7 of section 112 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868.

To authorize and require the Mayor and council of the town of Union Springs to levy and collect a tax to pay the bonds issued by the corporate authorities of said town.

To authorize the court of county commissioners of Pickens county to levy a special tax.

For the relief of Mason Harwell and Edgar J. Lee, surviving partner of H. P. Lee & Co., of the county of Montgomery.

For the relief of W. G. Mustin, late tax collector of Pickens county.

To restrain the tax collector of Butler county from collecting the taxes assessed for 1871 for county purposes in said county until the 1st day of May, 1872.

To limit the commissioners court of the county of Sumter in their power to assess taxes.

For the relief of Warren E. Kennedy and James H. Stewart, administrators of the estate of William S. Kennedy.

To authorize the court of county commissioners of Pickens county to issue bonds for county purposes.

Very respectfully,

ELLIS PHELAN,

Clerk House of Representatives.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,

STATE OF ALABAMA,

Montgomery, Dec. 9, 1871. }

Gentlemen of the Senate:

In compliance with the Senate resolution of Tuesday, I

respectfully inform you that in June last, I employed Gen. Pettus, of Selma, to guard the interests of the State in the District Court of the United States in session in Montgomery, during the pendency of bankrupt proceedings in that Court against the Alabama and Chattanooga railroad company. I employed the late Gen. Clanton to go from the city of Washington, where he was at the time, to aid me in New York in obtaining from said railroad company the transfer of their road to the State.

At the time I took possession of the road, I continued to employ Gen. Clanton and his partners, Messrs. Stone and Clopton, and Gen. Pettus.

Gen. Clanton, deeming the services of Messrs. Watts & Troy important, by my consent, engaged them.

In Tennessee, Gen. Clanton employed Col. John Baxter, in Georgia, Nisbet and Jackson, and Wm. Dougherty, Esq., eminent lawyers, to aid him in the courts of those States. Believing their services necessary, I sanctioned his action in this regard. No fees were stipulated, that matter, by agreement, being left to the Legislature for settlement and provision.

To General Clanton I paid, from the contingent fund, an aggregate of \$1,250 to pay his current expenses, &c. No other money paid to attorneys.

Col. Gindrat, in securing possession of the road and property in Mississippi, was compelled to employ counsel, whose fees, amounting to \$500, I am advised he has paid. Colonel Gindrat is absent, and on his return I will communicate particulars thereon.

The proceedings in the various courts were instituted after the maturest consideration, as will more fully appear from the accompanying opinion rendered by the most eminent counsel. The professional gentlemen employed are entitled to the very highest commendation for the wisdom, skill and energy they have displayed in the discharge of their arduous duties.

Respectfully,

R. B. LINDSAY.

General James H. Clanton,

Montgomery, Alabama :

DEAR SIR—We have, at your request, considered what remedies the State of Alabama has to enforce the liens given by the State statutes, and by mortgage on the road and other property of the Alabama and Chattanooga railroad company,

to secure the State against loss on account of the indorsement of the bonds of that company in the name of the State.

We have examined the several acts of the Legislature on this subject, and the various mortgages executed by the Alabama and Chattanooga railroad company, especially the deed executed by that company on the 19th day of December, 1868, to Seth Adams, Francis Dane and John Demeritt, as trustees. It is our opinion that the best remedy to enforce the liens mentioned is to file bills in the States of Alabama, Mississippi, Tennessee and Georgia, in courts having jurisdiction, for the preservation of the property conveyed by the deed of December the 19th, 1868, and now in each of said States respectively, and to foreclose said mortgage by a sale of the property conveyed. It is our opinion that no valid sale of the property conveyed in that mortgage can be made by the State without resorting to legal proceedings in the courts.

We doubt, on the facts stated to us, whether the Alabama and Chattanooga Railroad Company could be forced into involuntary bankruptcy. But if some individual creditor of that company should succeed in obtaining a valid adjudication of involuntary bankruptcy against that corporation, the sale of the entire road would be more expeditious, and it would probably sell for more in that way than in any other. We have merely stated our opinion on the question asked, without reasons therefor, as you wished to have an answer this evening.

If it is desired we can prepare statements of the reasons and principles on which this opinion is based.

Most respectfully, your obedient servants,

EDM'D W. PETTUS,

D. S. TROY,

DAVID CLOPTON.

August 16, 1871.

Which message was read.

On motion of Mr. Farden, the message was referred to the committee on finance and taxation, and one hundred and fifty copies ordered to be printed.

Reports of standing committees—

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported adversely to Senate bill—

For the relief of Sarah E. Hastings, executrix of E. M. Hastings, deceased;

Which adverse report was concurred in.

Also, from the same committee, reported adversely to Senate bill—

To amend an act entitled an act to incorporate the fireman's club of the city of Mobile;

Which adverse report was concurred in.

Also, from the same committee, reported favorably, with amendment, to House bill—

To secure justices of the peace and notaries public in their fees in certain cases;

Which amendment was adopted, and the bill as amended, read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

To amend section 2377 of the Revised Code of Alabama;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported adversely to House bill—

Requiring the justices of the peace of Chambers county to act as apportioners and supervisors of public roads in their respective beats;

Which adverse report was *not* concurred in;

Bill was then read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

To prevent the selling, giving away or delivering fermented, vinous or spirituous liquors to any person who is reported to be of unsound mind.

Mr. Mabry moved to lay the bill on the table;

Which motion was lost.

On motion of Mr. Oliver, the bill was amended, by adding the following proviso, at the end of the first section:

"Provided, That the parent or guardian of an insane person be exempt from the operation of the provisions of this act."

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Yeas 16, nays 10.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Glass, McAfee,

Martin of Russell, Martin of Tuscaloosa, Oliver, Richards, Sanford, Sibley, Stow, Wise, Worthly and Yordy—16.

Those who voted in the negative are—

Messrs. Farden, Hinds, Johnson, Lambert, Lentz, McIntosh, Mabry, Mahan, Sevier and Whitney—10.

Also, from the same committee, reported favorably to House bill—

To amend section 1282 of the Revised Code of Alabama ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

To repeal an act entitled an act to consolidate the offices of tax collector and assessor in Marion county ;

Which bill was read a third time forthwith, and passed.

Also, from the same committee, reported favorably to the House bill—

To remove the guardianship of Bird and James Fitzpatrick to Pike county ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to the House bill—

To authorize the redemption of lands sold for taxes and purchased by the State ;

Which bill, on motion of Mr. Martin of Tuscaloosa, was laid on the table for the present.

Also, from the same committee, reported adversely to the House bill—

To authorize William H. Wood, administrator of the estate of Richard H. Wood, deceased, to sell the lands belonging to said estate, at private sale ;

Which adverse report was *not* concurred in ;

Which bill was then read third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported adversely to House bill—

To repeal sections 2534, 2535 and 2536 of the Revised Code of Alabama ;

Which adverse report was concurred in.

ENROLLED BILLS.

Mr. Yordy, from the committee on enrolled bills, reported as correctly enrolled :

An act to regulate the publication of legal notices in the county of Lawrence.

BANKS AND INSURANCE.

Mr. Bromberg, from the committee on banks and insurance, reported favorably, with amendment, to
Senate bill—

To encourage the investments of money in this State, by life insurance companies of other or foreign States;

Which amendment was adopted, and the bill read a third time forthwith, and passed.

FINANCE AND TAXATION.

Mr. Sanford, from the committee on finance and taxation, reported favorably to
Senate bill—

For the relief of Solomon Woolf, of Pike county;

Which bill was read third a time forthwith, under suspension of the constitutional rule, and passed.

Also, from same committee, reported favorably to
Senate bill—

For the relief of Henderson, Murphree and Henderson, of Pike county;

Which bill was read a third time forthwith, and passed.

Also, from the same committee, reported favorably to
Senate bill—

For the relief of Mrs. Priscilla C. Jemison, widow of the late Robert Jemison, jr., of Tuscaloosa county;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to
House bill—

For the relief of Emma Clark, a minor;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from same committee, reported favorably to
House bill—

Requiring the Auditor to furnish the judge of probate of Choctaw county, a list of all lands sold for taxes since May 25, 1865, and purchased by the State;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

For the relief of the securities of Newton F. Smith, late tax collector of Greene county;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

GRIEVANCES AND DISABILITIES.

Mr. Oliver, from the committee on grievances and disabilities, reported favorably, with amendment, to

House bill—

To prohibit the sale of spirituous liquors within one mile of Salem church in Cherokee county;

Which amendment was adopted;

And the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from same committee, reported favorably, with amendments, to

House bill:

To prohibit the sale of spirituous, vinous or malt liquors in the town of Somerville, Morgan county, and within three miles thereof;

Which amendments were severally adopted;

And the bill as amended, read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported adversely to House bill—

To prohibit the unlawful injury of animals;

Which adverse report was concurred in.

Also, from the same committee, reported favorably to House bill—

To authorize Mrs. Melissa Howle, widow of Thomas T. Howle, deceased, to sell certain lands therein described, and make title to the same;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to Senate bill—

To make Eliza Jane Starling, of Cherokee county, a free dealer;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

EDUCATION.

Mr. Richards, from the committee on education, reported favorably to Senate bill :

To repeal an act entitled An act to incorporate the Society Hill High School ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

PRINTING.

Mr. Farden, from the committee on printing, reported favorably to

House bill—

To repeal an act entitled "An act to regulate the publication of legal and other notices in the State of Alabama," approved August 12, 1868 ; and to repeal an act amendatory of the same, approved October 10, 1868.

Pending consideration of which,

Senate adjourned until 10½ o'clock Monday morning.

SEVENTEENTH DAY.

MONDAY, December 11, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Gwin, of the First Baptist Church, of this city.

ROLL CALL.

On the call of the roll the following senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibbey, Steward, Stow, Wise, Whitney, Worthy and Yordy—
29.

READING OF JOURNAL.

Journal of Saturday was read and approved.

CALL OF THE DISTRICTS.

On the call of the Districts the following bills and joint resolutions were introduced—

By Mr. Martin of Tuscaloosa—

To change the boundary line between the counties of Hale and Tuscaloosa ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Lambert—

To authorize Dr. L. B. Parker, of Coosa county, to sell certain lands therein described, and make titles to the same ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

To amend section 1 and 2 of an act entitled "An act to incorporate the the town of Clayton, in the county of Barbour," approved December 21, 1841 ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

To regulate the times of holding the courts in the second judicial circuit ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

To allow the commissioners court of Covington county to levy a special tax ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Barr—

To authorize the Governor to make a temporary loan to pay the current expenses of the State ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

Mr. Farden moved to amend, as follows :

"Provided, That said loan shall be made through the financial agents, Messrs. Lehman, Durr & Co. ;"

Which amendment,

On motion of Mr. Barr,
Was laid on the table.

Bill was then read a third time forthwith, under suspension of the constitutional rule, and passed.

Yeas 28, nays none.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Glass, Hinds, Johnston, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney, Worthly and Yordy—28.

By Mr. Steward—

In relation to the Selma, Marion and Memphis railroad company ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Steward—

To amend an act entitled “An act to incorporate the Selma, Marion and Memphis railroad company ;”

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Pennington—

To make a contribution towards the completion of the Washington National Monument ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on Federal relations.

By Mr. Pennington—

Joint resolutions proposing a joint committee of the two houses of the General Assembly, to revise and amend the election laws of this State ;

Which was read and adopted.

Reports of standing committees—

ENROLLED BILLS.

Mr. Yordy, from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled

An act to require the county treasurer of Tuscaloosa

county to pay the fees now due the county solicitor for said county in certain cases.

GRIEVANCES AND DISABILITIES.

Mr. Oliver, from the committee on grievances and disabilities, reported adversely to

Senate bill—

To prevent the unlawful killing of any buzzard, or carrion crow ;

Which adverse report was not concurred in.

Mr. McIntosh moved to lay the bill on the table ;

Which motion was lost.

On motion of Mr. Oliver the bill was amended by exempting from its provisions the counties of "Jefferson, St. Clair and Walker."

Mr. McIntosh moved to exempt the counties of "Greene and Pickens ;"

Which motion was lost.

Mr. Pennington moved to postpone further consideration of the bill until next week ;

Which motion was lost.

Bill was then laid on the table.

APPROPRIATIONS.

Mr. Whitney, from the committee, reported favorably, with an amendment, to

Senate bill—

Making appropriations for the fiscal year ending September 30, 1872 ;

Which amendment was adopted, and the bill, as amended, was read a third time forthwith, under suspension of the constitutional rule, and passed—yeas 26 ; nays 0.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Coon, Farden, Glass, Hinds, Johnston, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Tuscaloosa, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Worthy and Yordy—26.

FEES AND SALARIES.

Mr. Sevier, from the committee on fees and salaries, returned to the Senate,

Senate bill—

To regulate the salaries of certain State officers ;
Which bill was re-committed to the committee on finance and taxation.

REPORT OF A SELECT COMMITTEE.

Mr. Stow, from select committee, reported favorably to Senate bill—

To establish a State board of health ;
Which bill was ordered to a third reading.

HOUSE OF REPRESENTATIVES, }
Montgomery, December 11, 1871. }

Mr. President :

The House has originated and passed bills as follows :

To repeal an act entitled "An act for the government of the Bureau of Industrial Resources," approved August 12, 1868.

To prevent the sale, giving away or otherwise disposing of vinous or malt liquors within two miles of the male and female academy, in the town of Isney, Choctaw county.

To authorize Eliza C. Bradley, of Coffee county, to sell certain lands.

ELLIS PHELAN,
Clerk House of Representatives.

SPECIAL ORDER.

At 12 o'clock, the special order came up, it being Mr. Martin of Tuscaloosa's, joint resolution proposing an amendments to Article XI of the Constitution of the State of Alabama ;

The question being on the amendments of the committee, The further consideration of the subject was postponed, and made special order for 12 o'clock on Thursday next.

Yeas 20, nays 7.

Those who voted in the affirmative are :

Messrs. Barr, Farden, Foster, Glass, Hinds, Lambert, Lentz, McAfee, McIntosh, Martin of Russell, Pennington, Royal, Sanford, Sevier, Sibley, Wise, Whitney and Worthy—20.

Those who voted in the negative, are—

Messrs. Bromberg, Coon, Johnston, Mabry, Martin of Tuscaloosa, Oliver and Richards—7.

On motion of Mr. Martin of Tuscaloosa, 150 copies of the amendments of the committee were ordered to be printed.

Mr. Sevier's joint resolutions proposing amendments to the State constitution were read a second time, and 150 copies ordered to be printed.

Mr. Pennington introduced joint resolution on same subject, which was read and 150 copies ordered to be printed.

Mr. Sanford introduced joint resolution on the same subject, which was read and 150 copies were ordered to be printed.

Senate then adjourned until 10½ o'clock to-morrow morning.

EIGHTEENTH DAY.

TUESDAY, December 12, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Stringfellow of this city.

ROLL CALL.

On the call of the roll the following Senators answered to their names:

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, Lambert, Lentz, McAtee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney, Worthy and Yordy—32.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

COMMITTEE ANNOUNCED.

Mr. President announced the following as the committee of the Senate, under the joint resolution for a joint committee to revise and amend the election laws of this State:

Messrs. Pennington, Farden and Worthy.

CONSIDERATION OF HOUSE MESSAGES.

House bills—

To authorize Eliza C. Bradley of Coffee county, to sell certain lands ;

To authorize the court of county commissioners of Pickens county to issue bonds for county purposes ;

For the relief of Warren E. Kennedy and James H. Stewart, administrators of the estate of William S. Kennedy, deceased ;

To repeal sections 3931, 3935, 3936, 3937, 3938 and 3939 of the Revised Code of Alabama, so far as the same relates to the counties of Covington, Marengo, Marshall and Conecuh ;

To amend section 1402 of the Revised Code of Alabama ;

To authorize married women to mortgage their statutory separate estates in certain cases ;

To define and restrain the operation of the exemption laws of Alabama ;

For the relief of Mrs. Catharine Norton ;

To repeal chapter seven, of title three, of part four, of the Revised Code of Alabama ;

To increase the pay of witnesses in attendance upon all courts in Greene county, except justice's courts ;

To declare valid the acts of notaries public in certain cases ;

To establish public holidays ;

To repeal sections 1401, 1407, 1408 and 1409 of the Revised Code of Alabama ;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bills—

To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within two miles of the male and female academy, in the town of Isney, Choctaw county ;

To limit the powers of the commissioners court of Sumter county to assess taxes ;

For the relief of Mason Harwell, and Edgar J. Lee, surviving partner of H. P. Lee & Co., of the county of Montgomery ;

To confer on John T. Rather and Silas P. Rather, administrators of the estate of Edward N. Thompson, deceased, authority to compromise a suit ;

For the benefit of Stella Crandall, of Calhoun county ;

For the payment of certain claims out of the general county fund ;

To extend the time in which the Bienville water works company of the city and county of Mobile may commence and construct their water works without forfeiture ;

To prohibit the sale or giving away of spirituous, vinous, or malt liquors within two miles of Village Springs in Blount county, Alabama, and the works of the Chewacla Lime Company, in Lee county ;

Were severally read three times forthwith, under suspension of the constitutional rule, and passed,

House bill—

To repeal an act entitled "An act for the government of the bureau of industrial resources," approved August 12th, 1868 ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on industrial resources.

House bill—

To provide for administering the securities that are or may be held by the State from the Security Insurance company of New York, the Yonkers & New York Fire Insurance company, the North American Fire Insurance company, the Manhattan Fire Insurance company of New York, the Lorillard of New York, the Aetna of New York, the U. S. Fire and Marine Insurance company of Baltimore, and the Home Insurance company of New Haven, and from all other insurance companies from whom the State now holds or may hold hereafter such securities ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on banks and insurance.

House bill—

To restrain the tax collector of Butler county from collecting the taxes assessed for 1871, for county purposes, until the first day of May, 1872.

For the relief of W. G. Mustin, late tax collector of Pickens county.

To authorize the court of county commissioners of Pickens county to levy a special tax.

To authorize and require the mayor and council of the town of Union Springs, to levy and collect a tax to pay the bonds issued by the corporate authorities of said town.

To restrain the commissioners court of Butler county from levying a tax for county purposes, of more than fifty per cent. on the present State tax ;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

House bill—

To amend sub-division 7 of section 112 of an act entitled "An act to establish revenue laws for the State of Alabama," approved December 31, 1868;

Was read twice forthwith, under suspension of the constitutional rule, and ordered to a third reading.

House bill—

For the relief of William McCrary of Hale county, and John Jones of Geneva county;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To authorize and empower John T. Cook, judge of probate of Wilcox county to complete and perfect the records of the minutes of the proceedings in said court, which were left incomplete by his predecessor, James H. Burdick;

Was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Richards, Barr and Oliver.

House bill—

To regulate the publication of legal notices, sheriff's sales, tax sales and official reports in Conecuh, Washington, Lee, Montgomery and Perry counties;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on printing.

House bill—

To require the supreme court to re-instate upon the docket of said court (upon conditions therein expressed), a certain appeal from the circuit court from Limestone county;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee, and made special order for 12 o'clock on Saturday next.

House bill—

To authorize the Memphis and Charleston railroad company to issue bonds secured by mortgage for the construction of branch roads, or for other purposes.

House bill—

To repeal an act entitled "An act for the relief of laborers and employers;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Pennington the bill was laid on the table.

House bill—

To regulate the chancery courts in the fifth district of the southern chancery division of Alabama ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To relieve and regulate the finances of the State ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation, and fifty copies ordered to be printed.

House bill—

To authorize the Governor to issue a patent to A. A. Hewlett for sixteenth (16) section, township nine (9), range four (4), west, in Winston county ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Lambert, Oliver and Sibley.

House bill—

To authorize James O. Atkins of Butler county to erect gates across the public road leading from Greenville to Cahaba ;

Was read a third time and passed.

Report of a standing committee :

ENROLLED BILLS.

Mr. Yordy, from the committee on enrolled bills, reported as correctly enrolled a bill to be entitled "An act to fix the time of holding the circuit courts of the third judicial circuit."

ENGROSSED BILLS.

Mr. Miller, from the committee on engrossed bills, reported sundry bills correctly engrossed.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
December 12, 1871. }

Mr. President :

The House has originated and passed the following bills :

A bill to be entitled An act to relieve and regulate the finances of the State.

A bill to be entitled An act to authorize the Governor to

issue a patent to A. A. Hewlett for 16th section, township 9, range 4, west, in Winston county.

ELLIS PHELAN,
Clerk of House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 12, 1871. }

Mr. President:

The House has originated and passed the following bills :
To repeal sections 1401, 1407, 1408 and 1409 of the Revised Code.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the Governor:

Mr. President:

I am directed by His Excellency the Governor to inform you that he has approved the following bills originating in the Senate—

An act to regulate the publication of legal notices in the county of Lawrence.

An act to require the county treasurer of Tuscaloosa county to pay the fees now due the county solicitor for said county in certain cases.

An act to fix the times of holding the circuit courts of the (3rd) third judicial circuit.

JOHN H. GINDRAT,
Private Secretary.

House bill—

To repeal an act entitled "An act to regulate the publication of legal and other notices in the State of Alabama," approved August 12, 1868; and also, An act amendatory of the same, approved October 10, 1868;

Was taken up.

The question being on the amendments to exempt the counties of "Mobile, Montgomery, Dallas, Jefferson, St. Clair and Walker,"

Mr. Barr moved to amend as follows—

"Strike out all the counties of the State not exempted by the amendments already adopted by the Senate;

Which amendment, on motion of Mr. Sibley, was laid on the table.

Mr. Barr moved to make it the special order for the 19th.

Report of a standing committee:

INTERNAL IMPROVEMENTS.

Mr. Coon, from the committee on internal improvements, reported favorably to Senate bills—

In relation to the Selma, Marion and Memphis Railroad Company.

To amend an act to incorporate the Selma, Marion and Memphis Railroad Company.

Two hundred copies of each were ordered to be printed.

Senate then adjourned until 10½ o'clock to-morrow morning.

NINETEENTH DAY.

WEDNESDAY, December 13, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Kinzer of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney, Worthey and Yordy—31.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

NOTICE TO RECONSIDER.

Mr Barr, before 11 o'clock, gave notice that he would

move to reconsider the vote by which on yesterday the Senate passed House bill—

To prohibit the sale or giving away of vinous, spirituous or malt liquors within two miles of the town of Village Spring, Blount county, Alabama, and the works of the Chewacla Lime Company in Lee county.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Sanford—

To authorize and require the tax collector of Etowah county to receive the general county tax in county claims, except the tax for special purposes ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. McAfee—

To prevent the sale of liquors within one mile of Chocco-locco bridge, on 'Truss' ferry, in Talladega county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Wise—

For the relief of certain guards therein named ;—

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Royal—

To authorize and require the sheriff of Bullock county to sell property on any Monday in the month ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

To authorize and empower the commissioners court of Barbour county to appoint three commissioners to lay off and sell certain lots in the town of Clayton, in said county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

To re-enact and put in force an act to amend an act to incorporate the Girard Railroad Company, &c. ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

To amend an act entitled " An act to amend section 8 of

an act entitled an act to create a new county to be called the county of Baker," approved March 2, 1871;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

To amend subdivision of section 1502, and to amend section 1503 of the Revised Code of Alabama;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Stow—

For the relief of M. F. Rushton, administrator of the estate of W. H. Ellison, deceased;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Jones—

For the relief of James T. Aldridge, executor of Moses Westbrook, deceased, late of Marengo county;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Bromberg—

For the consolidation of the Mobile and Northwestern railroad companies of Alabama and Mississippi, and to ratify the same;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Brömberg—

To ratify and confirm the action of the municipal authorities of the city of Mobile in reference to the Mobile and Northwestern railroad;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Coon—

Supplementary of the several acts incorporating the Selma and New Orleans Railroad Company and Immigrant Association;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

Reports from standing committees:

BANKS AND INSURANCE.

Mr. Bromberg, from the committee on banks and insurance, reported favorably to House bill—

To provide for administering the securities that are or may be held by the State. From the Security Insurance Company of New York, the Yonkers and New York Fire Insurance Company, the North American Fire Insurance Company, the Manhattan Fire Insurance Company of New York, the Lorillard Fire Insurance Company of New York, the Aetna Fire Insurance Company of New York, the United States Fire and Marine Insurance Company of Baltimore, the Home Insurance Company of New Haven, and from all other insurance companies from whom the State now holds or may hold hereafter such securities.

Which bill was read a third time forthwith, under a suspension of the constitutional rule, and passed.

FINANCE AND TAXATION.

Mr. Sanford, from the committee on finance and taxation, reported favorably, with a bill, to the petition of E. F. Comegys, sr. ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported adversely to House bill—

To restrain the tax collector of Butler county from collecting the taxes assessed for 1871, for county purposes, until May 1st, 1872 ;

Which adverse report was concurred in.

Also, from the same committee, reported adversely to House bill—

To restrain the commissioners court of Butler county from levying a tax for county purposes of more than fifty per cent. upon the present State tax ;

Which adverse report was concurred in.

Also, from the same committee, reported favorably to House bill—

To authorize the court of county commissioners of Pickens county to levy a special tax ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

To authorize and require the mayor and council of the town

of Union Springs to levy and collect a tax to pay the bonds issued by the corporate authorities of said town ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from same committee, reported favorably to

House bill—

For the relief of W. G. Mustin, late tax collector of Pickens county ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed—yeas 25 ; nays 0.

Those who voted in the affirmative are :

Messrs. Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Lambert, Lentz, McAfee, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Richards, Royal, Sanford, Sibley, Steward, Stow, Wise, Worthy and Yordy—25.

INTERNAL IMPROVEMENTS.

Mr. Coon, from the committee on internal improvements, reported adversely to

House bill—

To prevent railroad companies in this State from discriminating between local and through freight ;

Which adverse report was concurred in.

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported adversely to Senate bill—

To insure the pay of laborers and those that furnish supplies on the Alabama and Chattanooga Railroad ;

Which adverse report was concurred in—yeas 15 ; nays 8.

Those who voted in the affirmative are—

Messrs. Bromberg, Coon, Hinds, Lambert, McAfee, Mabry, Mahan, Martin of Tuscaloosa, Oliver, Richards, Sevier, Wise, Worthy and Yordy—15.

Those who voted in the negative are—

Messrs. Barr, Farden, Foster, Lentz, McIntosh, Martin of Russell, Sanford and Sibley—8.

Also, from the same committee, reported favorably to Senate bill—

To amend section 1053 of the Revised Code of Alabama ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to Senate bill—

To regulate the publication of annual settlements of estates in Calhoun county ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to Senate bill—

To amend section 2739 of the Revised Code of Alabama;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from same committee, reported favorably to Senate bill—

For the relief A. Devaney, of Franklin county;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed—yeas 25 ; nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Jones, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Richards, Sanford, Sevier, Sibley, Wise, Worthy and Yordy—24.

Also, from the same committee, reported a substitute for Senate bill—

To provide for holding a term of the chancery court for the sixth chancery district, and the county of Morgan ;

Which substitute was adopted and the bill, as amended, read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendment, to Senate bill—

To regulate the mode of obtaining grand jurors for the city court of Mobile and prescribing the qualifications of said grand jurors ;

Which amendment was adopted ; and the bill, as amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with an amendment, to Senate bill—

To regulate the return of venires of jurors and the service of lists of jurors in trials for capital offenses;

Which amendment was adopted ; and the bill, as amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

ACCOUNTS AND CLAIMS.

Mr. Foster, from the committee on accounts and claims, reported favorably to Senate bill—

To pay certain witnesses therein named ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
Montgomery, Dec. 13, 1871. }

Mr. President :

The House has passed Senate bills as follows :

For the relief of Henderson, Murphree and Henderson, of Pike county, Alabama.

And has concurred in Senate amendments to House bills, as follows :

Requiring justices of the peace of Cherokee county to act as apportioners and supervisors of public roads in their respective beats.

To incorporate the Bluff City Hook and Ladder company of the city of Eufaula.

To secure justices of the peace and notaries public in their fees in certain cases.

To prohibit the sale of spirituous liquors within one mile of Salem Church, in Cherokee county.

To prohibit the sale of liquors in the town of Somerville, Morgan county, and within three miles thereof.

To prevent the sale of liquors to any person who is, or is reputed to be, of unsound mind.

The House refuses to concur in the Senate amendment to the House bill—

To amend section 1 of an act to enable the commissioners court of St. Clair, Walker and Choctaw counties to erect bridges and have public buildings repaired, and to make the the same preferred claims against said counties, approved February 7th, 1871.

The House has originated and passed bills as follows :

To incorporate the town of Ashland, in the county of Clay.

To restrict the sale of personal property in certain cases.

To amend an act to regulate elections in this State, approved October 8th, 1868.

To secure to the different counties of the State a proportional share of the public school money.

The House has also passed the following Senate bills :

To authorize the resignation of guardians.

To prohibit the sale of intoxicating liquors within two miles of the male and female academy and the Baptist and

Methodist churches in the town of Fayetteville, in the county of Talladega.

To change the line between the counties of Randolph and Clay.

The House has originated and passed the following bills :

To authorize Simpson & Baker, owners of a steam mill in Lawrence county, to take one-seventh toll as compensation for services rendered.

To authorize parties interested to publish all notices required by law in any newspaper such party may designate, so far as relates to the counties of Cherokee, Limestone and Madison.

To authorize Mrs. Martha Ferrell, administratrix of the estate of Archelaus Ferrell, deceased, to sell certain property at private sale.

To authorize the court of county commissioners of Autauga county to borrow money and issue the bonds of the county for the same.

To give additional powers to judges of probate.

The House has adopted a joint memorial to Congress, asking for a grant of lands to the Columbus, Fayette and Decatur railroad.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 13, 1871. }

Mr. President :

The House of Representatives has referred to a joint committee of five on the part of the House, and four on the part of the Senate, a bill originating in the House, entitled

An act to prohibit illegal voting in this State ;

And asks the concurrence of the Senate therein.

Messrs. Lowe, Smitherman, Semmes, Dustan and Sims are committee on the part of the House.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 13, 1871. }

Mr. President:

The House has originated and passed a bill :

To incorporate the town of Seale, in the county of Russell.

ELLIS PHELAN,

Clerk House of Representatives.

REPORT OF SELECT COMMITTEE.

Mr. Lambert, from select committee, reported favorably, with amendments, to

House bill—

To authorize the Governor to issue a patent to A. A. Hewlett, for sixteenth (16) section, township nine (9), range four (4), west, in Winston county ;

Which amendment was adopted ;

And the bill as amended, read a third time forthwith, under suspension of the constitutional rule, and passed.

Mr. Worthy, from select committee, reported favorably to Senate bill—

To provide for the completion of the "Alabama State tract books," in the office of Secretary of State ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

UNFINISHED BUSINESS.

On motion of Mr. Coon, Senate resumed consideration of the

Senate bill—

In relation to the Selma, Marion and Memphis railroad company ;

To amend an act to incorporate the Selma, Marion and Memphis railroad company ;

Were recommitted to the committee on internal improvements.

JOINT RESOLUTION.

Mr. Whitney offered the following resolution :

Resolved by the Senate, (the House of Representatives concurring,) That a committee of seven—three on the part of the Senate and four on the part of the House—be appointed,

with power to send for persons and papers, whose duty it shall be to investigate and report upon the management and condition of the Alabama and Chattanooga railroad since said railroad was seized, and has been managed by the State of Alabama or its agents. Said committee shall ascertain the number of tons of railroad iron belonging to said Alabama and Chattanooga railroad company, which has been sold by said agents; and by what authority, and at what price; what locomotives have been sold or hypothecated, what disposition has been made of the funds derived from such sale and hypothecation of property; what improvements have been made by said agents on said road, the amount of receipts and expenditures, and how said receipts have been applied, etc., and report by bill or otherwise at as early a day as practicable;

Which was read.

Mr. Farden moved to amend, by making the joint committee to consist of "nine" instead of "seven";

Which motion, on motion of Mr. Oliver, was laid on the table.

Pending the consideration of the joint resolution,

Senate then adjourned until 10 $\frac{1}{2}$ o'clock to-morrow morning.

Yeas 14, nays 11.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Jones, Lambert, Lentz, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Richards, Royal, Sevier and Worthy—14.

Those who voted in the negative are—

Messrs. Buckley, Coon, Farden, Foster, Glass, Hinds, McAfee, Oliver, Sanford, Sibley and Whitney—11.

TWENTIETH DAY.

THURSDAY, December 14, 1871

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Stringfellow, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names.

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Tuscaloosa, Martin of Russell, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney, Worthy and Yordy—32.

READING OF JOURNAL.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Stow—

To change the line between the counties of Montgomery and Lowndes, so far as to make Franklin Armstrong, a citizen of Lowndes county :

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Stow—

To authorize Berry Ceoley, guardian of Philip N. Tooley, to sell lot number two, in block 48, according to H. B. Barker's survey of the city of Montgomery, belonging to his said ward, without making application, proof, or obtaining an order and making report of said sale, as is usually done ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Buckley—

To prevent the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, within three miles of Bethany Baptist church and Collorene academy in Lowndes county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

By Mr. Jones—

To repeal an act to extend the corporate limits of the town of Demopolis, approved October 10, 1868 ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

To detach from the 4th district of the southern chancery division, and to establish a separate district out of Coffee and Geneva counties, to be known as the 6th chancery district of the southern chancery division of the State of Alabama;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. McAfee—

To prohibit the sale, gift or other disposition of intoxicating liquors within three miles of the Alpine baptist church, at Alpine, in Talladega county, Alabama;

Which bill was read a three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Bromberg—

For the protection of holders of lottery certificates or tickets;

Which bill was read twice forthwith, under suspension of the constitutional rule.

Senate refused to further suspend the constitutional rule, in order to give the bill a third reading forthwith—yeas 19; nays 9.

Those who voted in the affirmative are:

Messrs. Barr, Bromberg, Buckley, Jones, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Tuscaloosa, Miller, Oliver, Royal, Sanford, Sevier, Sibley, Stow, Steward, Worthy and Yordy—19.

Those who voted in the negative are:

Messrs. Coon, Farden, Foster, Hinds, Johnston, Martin of Russell, Richards, Stow and Whitney—9.

Mr. Farden moved to refer the bill to a select committee of five, to report on Saturday next;

Which motion was lost.

The bill was then referred to the judiciary committee.

By Mr. Bromberg—

For the security of lottery certificates or tickets;

Which bill was read twice forthwith, under suspension of the constitutional rule.

Mr. Martin of Russell moved to amend as follows:

“And each company, organization or association herein described, shall also be required to pay a prize for every ticket or certificate sold, equal to at least the amount so paid for such certificate or ticket;”

Which amendment, on motion of Mr. Bromberg, was laid on the table.

The bill was then referred to the judiciary committee.

By Mr. Bromberg—

To prohibit the sale of spirituous, vinous or malt liquors within two miles of Kenandale Cotton Mills in Tuscaloosa county;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Sanford the bill was amended by striking out the words "except for medical purposes."

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

For the relief of John Post of Pike county;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on accounts and claims.

By Mr. Worthy—

For the protection of holders of policies in life insurance companies doing business in the State of Alabama;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Martin of Tuscaloosa—

To make Susan L. Lee of Sumter county a free dealer;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Buckley, the bill was amended by adding the name of "Martha Louisa Elsberry, wife of John Elsberry of Lowndes county."

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

RESOLUTION.

Mr. Sibley offered the following resolution, which was read and adopted.

Resolved, That the Senate committee on education are hereby instructed to take into consideration the report of the State superintendent of public instruction, and to investigate the defalcations and irregularities therein reported; and to consider and review the acts and doings of the late and preceding sessions of the board of education, and the acts and doings of the board of regents of the State University; said committee shall have power to send for persons and papers, to employ such clerical assistance as they may deem necessary, and may report by bill or otherwise.

Message from the Governor:

EXECUTIVE DEPARTMENT, }
Dec. 14, 1871. }

*Gentlemen of the Senate
and House of Representatives:*

I feel it to be my duty to inform the General Assembly that I construe the Act "to provide for the payment of the interest due and unpaid, upon the valid claims against the State, on account of the failure of the Alabama & Chattanooga Railroad Company to pay said interest," to be continuing in its operation; and under its provisions I feel it incumbent upon me to provide, if possible, for the payment of the interest due on the 1st of January, 1872.

If I misinterpret the letter and intent of said act, it behooves the General Assembly at once to repeal it altogether, or interpret it by declaratory enactment. This matter should be no longer permitted to remain in doubt.

The good name of the State demands immediate and unequivocal determination of this matter.

ROBERT B. LINDSAY.

Which message was read and referred to a select committee composed of Messrs. Worthy, Miller and Whitney.

Messages from the House:

HOUSE OF REPRESENTATIVES, }
December 14, 1871. }

Mr. President:

The House has originated and passed bills as follows:

To repeal an act to regulate the publication of legal and other notices in the State of Alabama, and the several amendments thereto, so far as the same relates to such publications within the county of Madison.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 6, 1871. }

Mr. President:

The House has originated and passed—

A bill to be entitled An act to relieve Bedford J. Hamilton,

a blind minister, and his minor son, Alexander Hamilton, formerly of the county of Sumter.

ELLIS PHELAN,
Clerk House of Representatives.

Report of a standing committee :

INTERNAL IMPROVEMENTS.

Mr. Coon, from the committee on internal improvements, reported a substitute for Senate bill—

In relation to the Selma, Marion & Memphis Railroad Company ;

Which substitute was adopted ;

Mr. Oliver moved to strike out all after the words “three hundred and twenty thousand dollars ;”

Which motion, on motion of Mr. Farden, was laid on the table—yeas 19, nays 9.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, Lentz, McIntosh, Martin of Tuscaloosa, Miller, Richards, Royal, Sibley, Steward, Whitney and Worthy—19.

Those who voted in the negative are :

Messrs. Buckley, Lambert, McAfee, Mabry, Mahan, Oliver, Sanford, Sevier and Wise—9.

The bill was ordered to a third reading.

SPECIAL ORDER.

At 12 o'clock, the special order set for that hour came up, it being Mr. Martin of Tuscaloosa's joint resolution proposing amendments to Art. XI of the Constitution of Alabama.

The questionn recurred on the amendments reported by the committee on education ;

Said amendments were severally adopted.

Mr. Martin of Tuscaloosa, moved to concur in the report of the committee on education.

Mr. Worthy moved to lay said motion on the table ;

Which motion was lost—yeas 13, nays 14.

Those who voted in the affirmative are :

Messrs. Coon, Foster, Hinds, Lambert, McIntosh, Mahan, Oliver, Royal, Sanford, Sevier, Sibley, Whitney and Worthy—13.

Those who voted in the negative are :

Messrs. Barr, Bromberg, Buckley, Farden, Johnston, Jones, Lentz, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Richards, Steward and Yordy—14.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Bromberg for to-morrow.

Pending consideration of the special order,
Senate adjourned until 10½ o'clock to-morrow morning.

TWENTY-FIRST DAY.

FRIDAY, December 15, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Stringfellow of this city.

ROLL CALL.

On the call of the roll the following senators answered to their names :

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney, Worthy and Yordy—31.

READING OF JOURNAL.

Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Buckley for to-morrow.

REPORT OF A SELECT COMMITTEE.

Mr. Worthy, from select committee, reported a bill—

In relation to the payment of the interest on the bonds of the Alabama and Chattanooga Railroad Company ;

Which bill was read a three times forthwith, under suspension of the constitutional rule, and passed.

Yeas 29, nays 0.

Those who voted in the affirmative, are --

Messrs. Barr, Buckley, Coon, Foster, Glass, Hinds, Johnston, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Tuscaloosa, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney, Worthy and Yordy—29.

Reports of Standing Committees :

ENGROSSED BILLS.

Mr. Miller, from the committee on engrossed bills, reported sundry bills correctly engrossed.

ENROLLED BILLS.

Mr. Yordy, from the committee on enrolled bills, reported as correctly enrolled, bills to be entitled :

An act to prohibit the sale of all intoxicating liquors within two miles of the male and female academy, the Baptist and Methodist church in the town of Fayetteville, in the county of Talladega ;

An act for the relief of Henderson, Murphree and Henderson of Pike county ;

An act to authorize guardians to resign ;

An act to change the county line between the counties of Randolph and Clay.

FINANCE AND TAXATION.

Mr. Sanford, from committee on finance and taxation, reported favorably to House bill—

To relieve and regulate the finances of the State ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Yeas 29, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, King, McAfee, Mabry, Mahan, Martin of Russell, Mar-

tin of Tuscaloosa, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney, Worthy and Yordy—29.

CONSIDERATION OF HOUSE MESSAGES.

House joint memorial of the General Assembly to the Congress of the United States, asking for a grant of public lands to the Columbus, Fayette and Decatur Railroad ;

Was read and adopted.

House joint resolution—

To extend the present session of the General Assembly beyond the time prescribed by the constitution of the State, not to exceed thirty days,

Was read.

Mr. Hinds moved to lay said joint resolution on the table ;

Which motion was lost.

Yeas 10, nays 21.

Those who voted in the affirmative are :

Messrs. Buckley, Coon, Hinds, Jones, McAfee, Martin of Tuscaloosa, Miller, Stow, Worthy and Yordy—10.

Those who voted in the negative are :

Messrs. Barr, Farden, Foster, Glass, Johnston, King, Lambert, Lentz, McIntosh, Mabry, Mahan, Martin of Russell, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Wise and Whitney—21.

Said joint resolution was then adopted.

Yeas 23, nays 7.

Those who voted in the affirmative are :

Messrs. Barr, Buckley, Farden, Foster, Glass, Johnston, King, Lambert, Lentz, McIntosh, Mabry, Mahan, Martin of Russell, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Wise, Whitney and Yordy—23.

Those who voted in the negative are :

Messrs. Coon, Jones, McAfee, Martin of Tuscaloosa, Miller, Stow and Worthy—7.

House bills—

To relieve Bedford J. Hamilton, a blind preacher and his minor son, Alexander Hamilton, formerly of Sumter county :

To incorporate the town of Ashland, in the county of Clay ;

To authorize Simpson and Baker, owners of a steam mill in Lawrence county, to take one seventh toll as compensation for services rendered ;

To authorize parties interested to publish all notices required

by law, in any newspaper such party may designate, so far as relates to the counties of Cherokee, Limestone and Madison ;

To furnish a tract book for the county of Dale ;

To authorize Mrs. Martha Ferrell, administratrix of the estate of Archelave Ferrell, deceased, to sell certain property at private sale ;

To authorize the court of county commissioners of Autauga county to borrow money and issue bonds of the county for the same ;

To authorize John Rudolph, of Butler county, to erect gates across the public road leading from Greenville to Mt. Willing, at the county line between the counties of Butler and Lowndes ;

To regulate the collection and paying out the county tax of Covington county ;

To prohibit the sale, giving away, or otherwise dispensing of spirituous, vinous or malt liquors, within one mile of Damascus church, in Butler county ;

To prohibit the sale of spirituous liquors within one mile of Ramah church, in Barbour county ;

To prohibit the retailing of vinous or spirituous liquors within two miles of the Methodist Episcopal church in Robinson Springs, in the county of Elmore ;

Were severally read three times forthwith, under suspension of the constitutional rule, and passed.

House bills—

To repeal an act to regulate the publication of legal and other notices in the State of Alabama and the several amendments thereto, so far as the same relates to such publications in the county of Madison ;

To establish a city court for the county of Lee, with criminal and civil jurisdiction ;

To restrict the sale of personal property in certain cases ;

To give additional powers to judges of probate ;

To amend section 1860 of the Revised Code of Alabama ;

To establish a criminal court for the county of Bullock, with criminal and civil jurisdiction ;

To repeal an act entitled "An act to suppress murder, lynching and assaults and batteries," approved December 28, 1868, so far as the same relates to the county of Blount ;

To repeal an act entitled "An act to regulate the publication of legal notices in the counties of Blount, Talladega, Clay, Coosa and Tallapoosa," approved March 8, 1871 ; and to repeal an act entitled "An act to amend an act en-

titled an act to regulate the publication of legal and other notices in the State of Alabama," approved October 10, 1868, so far as the same relates to the county of Tallapoosa ;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To repeal an act entitled "An act in regard to roads, bridges and ferries in the county of Mobile ;"

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on roads and public highways.

House bill—

To authorize the corporate authorities of the city of Mobile to establish and maintain public parks within the limits of said city ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on agriculture and manufactures.

House bill—

To incorporate the town of Seale, in the county of Russell ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bill—

To amend an act to regulate elections in this State," approved October 8, 1868 ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

House bill—

To secure to the different counties of the State a proportional share of the public school fund ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on education.

House bills—

To authorize the sheriff of Choctaw county to sell property, real or personal, on any Monday in any month after giving the notice required by law ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on accounts and claims.

House bill—

To amend an act entitled "An act to incorporate Hale and Murdoch Iron Works, in Fayette county ;"

Was read twice forthwith, under suspension of the constitutional rule, and laid on the table.

House bill—

To allow parties making publication in newspapers as required by law to publish in any paper such party may designate, so far as applies to the county of Jackson ;

Was read twice forthwith, under suspension of the constitutional rule, and indefinitely postponed.

House bill—

To abolish the county court of Bullock county ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
Montgomery, December 15, 1871. }

Mr. President :

The House has originated and passed the following bills :

To furnish a tract book for the county of Dale.

To suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as the same relates to the county of Blount.

To authorize the sheriff of Choctaw county to sell property, real or personal, on any Monday in any month after giving the notice required by law.

To allow parties making publication in newspapers as required by law to publish in any paper such party may designate, so far as applies to the county of Jackson.

To amend an act to incorporate Hale and Murdock Iron Works, in Fayette county.

To prevent the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within one mile of Damascus church, in Butler county.

To regulate the collection and paying out the county tax of Covington county.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
 Montgomery, December 15, 1871. }

Mr. President :

The House has originated and passed a bill :

To establish an inferior court of record in the town of Courtland, Alabama.

ELLIS PHELAN,
 Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
 December 15, 1871. }

Mr. President :

The House has passed Senate bill,

To re-enact, and put in force, an act to repeal in part an act to incorporate the Girard Railroad Company, approved January 21, 1846.

And has adopted the following joint resolutions :

Resolved by the House of Representatives (the Senate concurring), That a joint committee of five be appointed, three on the part of the House and two on the part of the Senate, to report the best way to *pro rate* or dispose of the donation made by Congress, to a mechanical and agricultural college in this State.

2. *Resolved*, That said committee is authorized, if in their judgment they think proper, to report by bill or otherwise, as to such disposal, consistent with the interests of both the whites and blacks, in this State, and in accordance with the full intention of Congress making the same.

The committee on the part of the House are Messrs. Powell, Bulger and Calloway.

The House has originated and passed bills as follows :

A bill—

To be entitled an act to authorize the corporate authorities of the city of Mobile to establish and maintain public parks within the limits of said city ;

A bill—

To be entitled an act to repeal an act entitled an act in regard to roads, bridges and ferries in the county of Mobile ;

A bill—

To be entitled an act to establish a city court in the county of Lee, with criminal and civil jurisdiction ;

A bill—

To be entitled an act to authorize John Rudolph of Butler county to erect gates across the public road leading from

Greenville to Mt. Willing, at the county line between the counties of Butler and Lowndes;

A bill—

To be entitled an act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction;

A bill—

To be entitled an act to establish the county court of Bullock county;

A bill—

To be entitled an act to repeal an act entitled an act to regulate the publication of legal notices in the counties of Blount, Talladega, Clay, Coosa and Tallapoosa, approved March 8th, 1871, and to repeal an act to amend an act entitled an act to regulate the publication of legal and other notices in the State of Alabama, approved October 10th, 1868, so far as relates to the county of Tallapoosa;

A bill—

To be entitled an act to prohibit the sale of spirituous liquors within three miles of Ramah Church in Barbour county;

A bill—

To prohibit the retailing of vinous or spirituous liquors within two miles of the Methodist Episcopal Church at Robinson Springs in the county of Elmore;

A bill—

To amend section 10 of an act entitled an act to incorporate the town of Dadeville in the county of Tallapoosa;

A bill—

For the relief of Mrs. Sarah A. Martin, widow of the late Joshua L. Martin of Tuscaloosa county;

A bill—

To change boundary line between the counties of Bullock and Barbour;

A bill—

To authorize Nathan D. Moore and Bill Taylor, guardians of the estate of Margaret Taylor, a lunatic, to sell the personal property of said estate at private sale;

A bill—

To be entitled an act to change the line between the counties of Tallapoosa and Lee;

A bill—

To establish a board of commissioners of roads in the county of Mobile, and to prescribe the duties thereof;

A bill—

To repeal an act entitled an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12th, 1868, and also an act entitled an act to amend an act to regulate the publication of legal and other notices

in the State of Alabama, approved October 10th, 1868, so far as they relate to certain counties;

A bill—

To prohibit the sale of spirituous or vinous liquors within one mile of the railroad depot at Hurtville in the county of Russell;

A bill—

To remove the administration of the estate of Sydenham Moore, deceased, from the probate court of Greene county into the probate court of Mobile county;

A bill—

To authorize Amos M. Elliott, as administrator *de bonis non* of the estate of James Cobb, deceased, late of Shelby county, to sell the lands of said estate;

A bill—

To consolidate the funds of fines and forfeitures and general fund of the county of Sumter, approved March 1st, 1870;

A bill—

To prohibit the sale of spirituous or vinous liquors within three miles of the Methodist Church at Moscow in Sanford county.

ELLIS PHELAN,

Clerk House of Representatives.

Senate adjourned until 10½ o'clock to-morrow morning.

TWENTY-SECOND DAY.

SATURDAY, December 16, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Mr. Sanford, of the Senate.

ROLL CALL.

On the call of the roll the following Senators answered to their names—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscalo-

sa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—31.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts the following bills and joint resolutions were introduced:

By Mr. Sevier—

Joint resolution proposing to take a recess from Tuesday, the 19th inst., until January 10th, 1872.

On motion of Mr. Oliver, the joint resolution was amended by striking out "Tuesday, the 19th instant," and inserting "Thursday, the 21st instant."

Thus amended, the joint resolution was adopted, and ordered forthwith to the House.

By Mr. Sibley—

For the relief of A. M. Granger ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sibley—

To compel guardians, executors and administrators to make annual settlements ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Mahan—

To declare David Wooley a citizen of Bibb county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Mahan—

To provide for the permanent location of the line between the counties of Bibb and Baker and Shelby and Bibb ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Pennington—

To make Susan T. Griffin, of Lee county, a free dealer ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Martin of Russell—

To enable the citizens of Russell to raise funds, &c. ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Richards—

Supplemental to an act entitled "An act to relieve and regulate the finances of the State ;"

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

To relieve the Montgomery and Eufaula railroad company from delinquent tax for 1870 ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. King—

To authorize certain persons therein named to sell real estate ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Barr—

To create and maintain a steam ferry between the city of Mobile and the Eastern shore of Mobile bay ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Worthy—

To change the boundary line between the counties of Pike and Crenshaw ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Yeas 29, nays none.

Those who voted in the affirmative are—

Messrs. Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—29.

By Mr. King—

To repeal an act entitled "An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, in so far as the same relates to the county of Dale ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Lambert, the bill was amended, so as to include the counties of Coosa and Tallapoosa.

Thus amended,

The bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Hinds—

To establish an agricultural and mechanical college at Florence, Lauderdale county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on the subject of agricultural colleges.

By Mr. Glass—

For the relief of S. N. Browne of Macon county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

By Mr. Hinds—

Joint memorial of the General Assembly of Alabama, to the Congress of the United States ;

Which was read and referred to the committee on federal relations.

CONCURRENCE.

Senate concurred in the amendment of the House to the Senate joint resolution relative to a recess.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
Montgomery, Dec. 16, 1871. }

Mr. President :

The House has originated and passed bills as follows :

To establish an inferior court of record for the county of Wilcox with criminal and civil jurisdiction.

For the relief of J. B. Johns of Montgomery.

To change the terms of the commissioners court of Washington county.

The House has adopted the following resolution :

The House concurs in the joint resolution of the Senate to raise a joint committee whose duty it shall be to revise and amend the election laws of the State ; Messrs. Lowe, Smith-

erman, Semmes and Dustan, are the committee on the part of the House. Has amended the resolution of the Senate in relation to adjournment for a recess, by striking out "*Thursday, 21st inst.*", and inserting, "*Tuesday, the 19th inst.*";

And as thus amended, concurs in the same.

ELLIS PHELAN,
Clerk of House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 16, 1871. }

Mr. President:

The House has originated and passed a bill :

For the relief of the Alabama institution for the deaf and dumb and blind ;

And ordered the same to the Senate without engrossment.

ELLIS PHELAN,
Clerk House of Representatives.

UNFINISHED BUSINESS.

Senate resumed consideration of the House bill—

To repeal an act entitled "an act to authorize the publication of the laws of the State of Alabama," approved October 10, 1868.

On motion of Mr. Coon, the substitute reported by the committee on printing, was taken from the table.

Said substitute was adopted.

Yeas 21, nays 9.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, Lentz, Mabry, Martin of Tuscaloosa, Miller, Pennington, Richards, Royal, Sibley, Steward, Stow, Wise, Whitney and Worthy—21.

Those who voted in the negative are :

Messrs. King, Lambert, Mahan, McAfee, Martin of Russell, Oliver, Royal, Sanford and Sevier—9.

Mr. Pennington moved to amend as follows :

"Laws of a public character shall be published in the official journal, and the rate of charge shall not exceed the price paid by the United States government for the publication of the laws of the United States."

Mr. Farden moved to amend said amendment as follows :

"One dollar per square for the first insertion, and fifty cents each square for the other insertions."

Mr. Whitney moved to lay the amendment and the amendment to the amendment, on the table ;

Which motion was lost.

Mr. Farden's amendment to the amendment was adopted.

Mr. Pennington moved to amend as follows :

"Shall publish all laws, public or private, and all joint resolutions, twice each in the official journal ;

Which amendment was laid on the table.

Yeas 20, nays 10.

Those who voted in the affirmative are :

Messrs. Barr, Coon, Farden, Foster, Glass, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Richards, Royal, Sibley, Steward and Worthy—20.

Those who voted in the negative are :

Messrs. Hinds, Johnston, Mabry, Oliver, Pennington, Sanford, Sevier, Stow, Wise and Whitney—10.

Mr. Sevier moved to amend by striking out "three" and inserting "one" before "times ;"

Which amendment, on motion of Mr. Farden, was laid on the table.

Yeas 18, nays 11.

Those who voted in the affirmative are :

Messrs. Barr, Coon, Farden, Foster, Glass, Johnston, Jones, Lentz, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Richards, Sibley, Steward, Whitney and Worthy—18.

Those who voted in the negative are :

Messrs. Hinds, King, Lambert, Mahan, Oliver, Pennington, Royal, Sanford, Sevier, Stow and Wise—11.

Bill thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

Yeas 23, nays 5.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, Lambert, Lentz, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Richards, Royal, Sanford, Sevier, Sibley, Whitney, and Worthy—23.

Those who voted in the negative are :

Messrs. King, McAfee, Mahan, Oliver, and Pennington—5.
House bill—

To establish an inferior court of record for the county of Wilcox, with criminal and civil jurisdiction ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the relief of the Alabama institution for the deaf and dumb and the blind;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on education.

SPECIAL ORDER.

Mr. McAfee, from the judiciary committee, reported for a majority of the committee, favorably to House bill—

To require the supreme court to re-instate upon the docket of said court, (upon certain conditions therein expressed), a certain appeal from the circuit court for Limestone county.

And also, the following minority report, adverse to said bill :

G. T. McAfee, chairman, and member of the committee on the judiciary, to whom was referred "engrossed" (from the House of Representatives) "a bill to be entitled an act to require the supreme court to reinstate upon the docket of said court (upon certain conditions therein expressed) a certain appeal from the circuit court for Limestone county," asks leave from the Senate to report and submit this his dissent from, and minority report of the said committee, and asks that the same be adopted for the reasons and authority therefor, to-wit :

1. The question involved is purely judicial and not legislative. Art. III, §§ 1 and 2, Cons. Alabama.

2. The legislation invoked is retroactive, and if granted would impair the obligation of contracts. Rev. Cons. Ala., art. 1, §§ 24, 12, 15 ; Const. U. S., art. 1, § 10.

3. The first section of the bill, among other things, says, "that upon the application of the county commissioners for the county of Limestone (or a majority of their number) the *supreme court shall cease to be reinstated* upon the docket of the court aforesaid a certain appeal wherein the county commissioners for the county of Limestone were appellants and John T. Rather and others were appellees, which said appeal was taken to said supreme court from the order of the circuit court of said county granting a writ of *mandamus* to the commissioners court for said county, on the 1st day of May, 1868, and which appeal was dismissed at the January term of the supreme court, 1869.

4. A judgment having been rendered at said January term, 1869, dismissing said suit, section 1 of this bill is against the constitution and the law. *Sanders v. Cobaniss*, Vol. XLIII, Sup. Ct. Reps. Ala., Hd. Note 2, which declares "the power to render judgments and decrees, and declare them void or set them aside and grant new trials and rehearings, is a judicial power, and cannot be exercised by the legislative department of the government." Art. 3, Const.

5. The time for reviving the Limestone county judgment has elapsed.

6. Aside from the special limitation of the constitution the legislature cannot exercise powers which are in their nature essentially judicial or executive. * * * * * It is only the legislative power which is vested in the Senate and the assembly. *Cooly's Cons. Limitations*, 89, 90.

7. That is not legislation which adjudicates in particular cases, prescribes the rule contrary to the general law, and orders it to be enforced. Such power assimilates itself more closely to despotic rule than any other attribute of government. *Cooly's Cons. Limitations*, 91.

8. On the other hand, to adjudicate upon and protect the rights and interests of individual citizens, and, to that end, to construe and apply the laws is the peculiar province of the judicial department.—*Ibid* 91, and authorities in note 6; then refer to *ibid*, 92, 95.

9. Nor is it in the power of the legislature to bind parties by a recital of facts in a statute, thereby making them evidence against parties interested.—*Ibid*, 96.

All of which is respectfully submitted as a minority report.
G. T. McAFEE.

Mr. Whitney moved to adopt the minority report;
Pending consideration of which,
Senate adjourned until 10½ o'clock Monday morning,

TWENTY-THIRD DAY.

MONDAY, December 18, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Mr. Lambert, of the Senate.

ROLL CALL.

On the call of the roll the following Senators answered to their names:

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lents, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—30.

READING OF THE JOURNAL.

Journal of Saturday was read and approved.

BILLS INTRODUCED.

Mr. Martin of Russell introduced a bill to prohibit the sale of spirituous liquors within two miles of Glennville Academy, at Glennville, in the county of Russell;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Farden introduced a bill—

To authorize the judge of probate of Montgomery county to take jurisdiction of the estate of Charles H. Molton, deceased, late of Elmore county;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Reports of standing committees—

ACCOUNTS AND CLAIMS.

Mr. Foster, from the committee on accounts and claims, reported favorable to Senate bill—

For the relief of the Freedman's Hospital, located near Talladega, Alabama;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed—yeas 26, nays 0.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Pennington, Royal, Sanford, Sevier, Sibley, Steward, Wise and Worthy—26.

EDUCATION.

Mr. Richards, from the committee on education, reported favorably to House bill—

For the relief of the Alabama Institution for the deaf and dumb and the blind ;

Which bill was read a third time forthwith, under suspension of the constitutional rule and passed—yeas 24, nays 0.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Royal, Sanford, Sevier, Steward, Wise, Whitney and Worthy—26.

SELECT COMMITTEE APPOINTED.

Mr. President announced the following select committee to examine the Freedman's Hospital, located near Talladega :

Messrs. Sanford, Wise and Oliver.

Reports of standing committees—

INTERNAL IMPROVEMENTS.

Mr. Coon, from the committee on internal improvements, reported favorably to Senate bill—

To amend section 3 and 8 of an act entitled "An act to incorporate the Pensacola and Mobile Railroad Company ;"

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to Senate bill—

Supplementary to the several acts incorporating the New Orleans and Selma Railroad Company and Immigration Association ;

Which bill was re-committed to the same committee.

CONCURRENCE.

Senate concurred in the amendments of the House to Senate bill—

To incorporate the town of Birmingham, Jefferson county.

ELECTION OF PRESIDENT PRO TEMPORE.

Messrs. Barr, Sibley, and Pennington were put in nomination.

FIRST VOTE.

Those who voted for Mr. Barr are :

Messrs. Buckley, Glass, Johnston, Pennington and Stow—5.

Those who voted for Mr. Sibley are :

Messrs. Barr, Coon, Farden, Foster, Hinds, Lentz, McAfee, McIntosh, Steward and Whitney—10.

Those who voted for Mr. Sanford are :

Messrs. Bromberg, King Lambert, Mabry, Mahan, Martin of Russell, Oliver, Royal, Sevier, Wise and Worthy—12.

Neither received a majority.

Mr. Pennington was then also put in nomination.

SECOND VOTE.

Those who voted for Mr. Barr are :

Messrs. Buckley and Steward—2.

Those who voted for Mr. Sibley are :

Messrs. Coon, Foster, Hinds, Lentz, McAfee, McIntosh, Pennington, Stow and Whitney—10.

Those who voted for Mr. Sanford are —

Messrs. Bromberg, Johnston, Jones, King, Lambert, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Royal, Sevier, Wise and Worthy—14.

Mr. Farden voted for Mr. Pennington.

Mr. President then declared Mr. Sanford duly and constitutionally elected President *pro tempore* of the Senate, he having received a majority of all the votes cast.

Mr. Sanford was conducted to the chair, when, in a few appropriate remarks, he thanked the Senate for the compliment conveyed by his election.

RESOLUTION.

Mr. Farden offered the following resolution, which was read and unanimously adopted :

Resolved, That the thanks of the Senate are hereby tendered to Lieutenant-Governor E. H. Moren, President of the Senate, for the able manner in which he has discharged his duties as President of the Senate, and that we regret the illness in his family which calls him hence.

Mr. President Moren was not in the chair when said resolution was offered and adopted.

REPORT OF A SELECT COMMITTEE.

Mr. Farden, from select committee, reported favorably to Senate joint resolution—

For the removal of political disabilities ;
Which goes over.

UNFINISHED BUSINESS.

Senate resumed consideration of the majority and minority reports relative to House bill—

To require the supreme court to re-instate upon the docket of said court (upon certain conditions therein expressed) a certain appeal from the circuit court of Limestone county.

On motion of Mr. Barr, the whole subject was laid on the table—yeas 18, nays 9.

Those who voted in the affirmative are—

Messrs. Barr, Buckley, Coon, Farden, Glass, Hinds, Lentz, McAfee, McIntosh, Mabry, Martin of Russell, Royal, Sevier, Steward, Stow, Wise and Whitney—18.

Those who voted in the negative are—

Messrs. Bromberg, Jones, King, Lambert, Mahan, Martin of Tuscaloosa, Oliver, Sapford and Worthy—9.

Mr. Pennington was excused from voting.

RECONSIDERATION.

On motion of Mr. Oliver, Senate reconsidered the vote of concurrence in the adverse report of the judiciary committee to the Senate bill—

To authorize George W. Moore to practice medicine in this State.

Said bill was recommitted to a select committee composed of Messrs. Oliver and Wise.

Message from the Governor :

Mr. President :

I have approved and caused to be deposited in the office of the Secretary of State the following acts originating in the Senate, viz :

An act for the relief of Henderson, Murphree and Henderson of Pike county, Alabama.

An act to authorize the resignation of guardians.

An act to change the county line between the counties of Randolph and Clay.

An act to prohibit the sale of all intoxicating liquors within two miles of the male and female academy and the Baptist and Methodist churches in the town of Fayetteville, in the county of Talladega.

An act to re-enact and put in force an act entitled An act to repeal in part an act to incorporate the Girard Railroad Company, approved January 21, 1846.

ROBT. B. LINDSAY.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
Dec. 18, 1871. }

Mr. President :

The House of Representatives has passed Senate bills, as follows :

To prevent the sale of spirituous liquors within two miles of Kennedale Cotton Mills, in Tuscaloosa county.

To authorize certain persons therein named to sell real estate.

To repeal an act to regulate the publication of legal notices in the counties of Shelby, Walker, &c., approved March 3d, 1870, in so far as the same relates to the counties of Dale, Coosa and Tallapoosa.

To prohibit the sale of liquors within two miles in any direction of Glennville Male and Female Academy in Russell county.

To prohibit the sale of liquors within 3 miles of Alpine Baptist Church in Talladega county.

To amend an act in relation to chancery courts in Alabama.

To repeal an act to extend the corporate limits of the city of Demopolis.

To amend the charter of the city of Opelika.

To pass certain witnesses therein named.

ELLIS PHLEAN,
Clerk of the House of Representatives.

HOUSE OF REPRESENTATIVES, }
Dec. 19, 1871. }

Mr. President :

The House has passed the following bill :

To amend an act to establish the Canebrake Agricultural District; to provide for the securing of the same and the management of its affairs.

ELLIS PHELAN,
Clerk of the House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 18, 1871. }

Mr. President :

The House concurs in Senate amendment to House bill :

To amend an act to amend the charter of the city of Opelika ;

And has originated and passed a bill—

To amend the charter of the city of Talladega, and to confer additional powers on the mayor and aldermen of said city.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 19, 1871. }

Mr. President :

The House concurs in the amendment of the Senate to the House bill—

To repeal an act to authorize the publication of the laws of the State of Alabama, approved October 10, 1868.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 18, 1871. }

Mr. President :

The House has amended as therein shown, and passed Senate bill—

To incorporate the town of Birmingham.

The House has passed the following Senate bills :

To detach from the 4th district of the southern chancery division, and to establish a separate district out of Coffee and Geneva counties, to be known as the 6th chancery district of the southern chancery division of the State of Alabama.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
December 19, 1871. }

Mr. President :

The House of Representatives has passed the following Senate bills—

To amend an act to regulate the time for holding courts in the second judicial circuit.

To authorize and empower the commissioners court of Barbour county to appoint three commissioners to lay off and sell certain lots in the town of Clayton, in said county;

To amend sections 1 and 2 of an act to incorporate the town of Clayton in the county of Barbour, approved Dec. 21, 1841.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
December 18, 1871. }

Mr. President :

The House has passed the Senate bill—

To authorize the probate court of Montgomery county to take jurisdiction of the estate of Charles H. Molton, late of Elmore county.

ELLIS PHELAN,
Clerk House of Representatives,

House bill —

For the relief of J. B. Johns of Montgomery;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend an act entitled "An act to establish the Canebrake Agricultural District, to provide for the securing of the same and the management of its affairs;"

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend the charter of the city of Opelika;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Steward, the bill was amended by striking out all relating to the property qualification of mayor and aldermen.

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

UNFINISHED BUSINESS.

Senate resumed consideration of House bill—

To repeal an act entitled "An act to regulate the publication of legal and other notices in the State of Alabama," approved August 12, 1868; and An act to amend the same, approved October 10, 1868.

The following counties were exempted from the operation of the bill: Autauga, Elmore, Mobile, Montgomery, Dallas, Jefferson, St. Clair, Walker, Morgan and Madison.

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Report of a standing committee:

GRIEVANCES AND DISABILITIES.

Mr. Oliver, from the committee on grievances and disabilities, reported favorably to petition of Taliaferro Page.

Pending consideration of which—

Senate adjourned until 10½ o'clock to-morrow morning.

TWENTY-FOURTH DAY.

TUESDAY, December 19, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by no one.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—31.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To establish a board of commissioners of revenue for Mobile county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prescribe the terms of the commissioners' court of Washington county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To establish an inferior court of record at Courtland;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the relief of Mrs. Sarah A. Martin, widow of the late Joshua L. Martin of Tuscaloosa;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend section 10 of an act to incorporate the town of Dadeville;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

PER DIEM ALLOWED.

On motion of Mr. Whitney, Mr. Jones was allowed his per diem during the entire session.

COMMITTEE APPOINTED.

Mr. President *pro tem*, appointed the following committee, under Mr. Whitney's resolution relative to the Alabama and Chattanooga railroad:

Messrs. Whitney, Martin of Tuscaloosa, and Pennington.

House bill—

To authorize the municipal authorities of the city of Mobile to establish and maintain public parks within the limits of said city ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House joint resolution—

To pay witnesses, clerk and sergeant at arms of the committee relative to investigation of charges against the Hon. John Elliott, judge of the 6th judicial circuit ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend an act to incorporate Hale and Murdock Iron Works in Fayette county ;

Was taken from the table.

Bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

UNFINISHED BUSINESS.

Senate referred to the judiciary committee, the whole subject relative to the petition of Taliaferro Page.

Reports of standing committees—

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported favorably to House bill—

For the relief of William McCrory of Hale county and John Jones of Geneva county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

To relieve Mary S. Harris of Sumter county, from settling her guardian accounts in the probate court of said county, for the space of five years ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to Senate bill—

To provide for the sale of the lands that belonged to James H. Judkins, at the time of his death ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

MUNICIPAL AND COUNTY ORGANIZATIONS.

Mr. Sanford, from the committee on municipal and county organizations, reported favorably, with amendments, to the House bill—

To incorporate the town of Seale, in the county of Russell ;
Which amendments were adopted ;

Bill, as amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend an act entitled “an act to incorporate Demopolis,” approved January 20, 1866 ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

Messages from the Governor—

Mr. President :

I am directed by the Governor to inform you that he has this day approved the act originating in the Senate

To incorporate the city of Birmingham, in Jefferson county.

Also, an act

To provide for the sale of the lands which belonged to James H. Judkins, deceased, at the time of his death.

Approved December 19, 1871.

Very respectfully,

W. V. CHARDAYOYNE,
Secretary.

Messages from the House—

HOUSE OF REPRESENTATIVES, {
December 19, 1871. }

Mr. President :

The House has passed Senate bills as follows :

To authorize certain parties therein named to sell real estate ;

For the relief of A. Devaney, tax collector of Franklin county ;

To encourage investments of money within this State by life insurance companies of other or foreign States.

The House has concurred in the Senate's amendment to the House bills—

To repeal an act to authorize the publication of the laws of the State of Alabama, approved October 10, 1868;

To amend the charter of the city of Opelika;

Also, joint resolution to pay witnesses, clerk and sergeant-at-arms for attendance upon special House committee on resolution to inquire into alleged official misconduct of Hon. John Elliott, judge of the sixth judicial circuit of Alabama.

ELLIS PHELAN,

Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 19, 1871. }

Mr. President :

The House has originated and passed a bill :

To authorize N. B. Peacock, administrator *de bonis non* of the estate of Edward P. Brooks, late of Butler county, to sell certain lands belonging to said estate at private sale, and ordered the same to the Senate without being engrossed.

The House has passed Senate bills as follows :

To repeal an act to incorporate the Society Hill High School.

To authorize Thomas M. Knight to erect a mill dam across the Warrior river.

The House concurs in the Senate amendment to House bill—

To incorporate the town of Seale, in the county of Russell.

ELLIS PHELAN,

Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
Montgomery, December 19, 1871. }

Mr. President :

The House concurs in Senate amendment to

House bill—

To repeal an act entitled An act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868, and an act entitled An act to amend the same, approved October 10, 1868.

ELLIS PHELAN,

Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 19, 1871. }

Mr. President :

The House has passed Senate bill—

To provide for the support of the Freedmen's Hospital,
near the city of Talladega, Alabama.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 19, 1871. }

Mr. President :

The House has originated and passed a bill—

To amend an act to incorporate the city of Demopolis, ap-
proved January 20, 1866.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 19, 1871. }

Mr. President :

The House has originated and passed a bill—

To prescribe the time of holding the circuit courts in the
11th judicial circuit.

ELLIS PHELAN,
Clerk of the House of Representatives.

HOUSE OF REPRESENTATIVES, }
Montgomery, December 19, 1871. }

Mr. President :

The House has passed the Senate bill—

To provide for the sale of lands which belonged to the es-
tate of James H. Judkins, deceased, at the time of his death.

ELLIS PHELAN,
Clerk House of Representatives.

RESOLUTION.

Mr. Farden offered the following resolution, which was
read and adopted :

Resolved, That J. H. Johnson, superintendent of the deaf
and dumb and blind asylum be, and he is hereby allowed to
receive from the State printer, two hundred (200) copies of

the annual report of that institution for the present year out of the two thousand (2000) copies ordered printed by the Senate, which he may deliver to the inmates of said deaf and dumb and blind asylum.

Mr. Sibley offered the following resolution :

Resolved by the Senate, That the committee on education be discharged from the further consideration of the subject matter committed to them for investigation by resolution adopted on the 14th of December, 1871, relating to the report of the superintendent of public instruction, and that a special committee of three senators be appointed, with the powers and duties conferred upon the aforesaid standing committee, and that said committee have leave to sit during the recess or such part thereof as may be necessary to accomplish the trust committed to them.

Motion to lay the resolution on the table was lost.

Mr. Farden moved for a division of the question.

Mr. Worthy moved to lay said motion on the table,

Pending consideration of the subject,

Senate adjourned until 12 o'clock M. on the 10th day of January, 1872.

TWENTY-FIFTH DAY.

WEDNESDAY, January 10, 1872.

Senate met pursuant to adjournment.

Called to order by Mr. Sanford, president *pro tempore*.

PRAYER.

Prayer by Rev. Mr. Lambert, of the Senate.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Bromberg, Buckley, Foster, Glass, Lambert, McAfee, Mahan, Martin of Tuscaloosa, Miller, Oliver, Sanford, Sibley, Wise, Whitney and Worthy—15.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Oliver.

There being no quorum present,

On motion of Mr. Whitney,

Senate adjourned until 10 $\frac{1}{4}$ o'clock to-morrow morning.

TWENTY-SIXTH DAY.

THURSDAY, January 11, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. James Vanzandt, of Coosa county.

ROLL CALL.

On the call of the roll the following senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster,

Glass, Lambert, Lentz, McAfee, Martin of Russell, Martin of Tuscaloosa, Mahan, Miller, Pennington, Royal, Sibley, Wise, Whitney and Worthy—22.

READING OF JOURNAL.

Journal of December 19, 1871, and yesterday, was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Whitney—

To refund a license tax to Fowler & House, of Montgomery, improperly collected ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Whitney—

To prohibit the sale or giving away spirituous, vinous or malt liquors within two miles of the Female Institute in Athens, Limestone county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

By Mr. Lambert—

For the relief of A. B. Rainey, of Tallapoosa county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Lambert—

To prohibit the sale, giving away or otherwise dispensing of spirituous, vinous or malt liquors within two miles of Andrew chapel, in Coosa county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

For the relief of N. Y. Wadsworth, of Autauga county, of non-age ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

To amend an act entitled "An act to make the circuit court clerk of Autauga county *ex-officio* clerk of the county court of said county ;"

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Buckley—

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, within four miles of Hopewell Baptist church, and the Magnolia academy, in Lowndes county;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

For the relief of Mrs. Nancy Brown of Pike county, Alabama;

Which bill was read three times forthwith, under suspension of the constitutional rule and passed.

Messages from the House:

HOUSE OF REPRESENTATIVES, }
January 11, 1872. }

Mr. President:

The House has originated and passed bills as follows:

To incorporate the J. H. Clanton hook and ladder company, No. 1, of Union Springs, Alabama.

To extend the time for the collection of taxes for the year 1871; and to extend the time for selling the personal and real property levied for taxes unpaid for said year in the county of Greene.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
January 11, 1872. }

Mr. President:

The House has originated and passed a bill:

For the relief of maimed officers and soldiers who belonged to military organizations, and served in the armies of this State during the late war.

Requiring the justices of the peace of Clay and Blount counties to act as apportioners and supervisors of public roads.

To incorporate the town of Attala, in the county of Etowah. In relation to the public printing.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the Governor :

VETO MESSAGE.

Mr. President and Gentlemen of the Senate :

To enable the General Assembly to correct what I believe to be unintentional error in its provisions, I return a bill, originating in the Senate, entitled, "An act to amend an act in relation to chancery courts in Alabama."

The bill was clearly intended to regulate the terms of the courts in the northern chancery division, yet the county of Colbert is altogether omitted, and Cherokee included as the 11th district in said division, thus by implication transferring Cherokee from the eastern chancery division, in which it is at present embraced.

These errors would work much confusion and injury. I therefore recommend that the Legislature will so amend the bill as to meet its professed object.

January 10, 1872.

ROBERT B. LINDSAY.

Which message was read.

Senate then proceeded to reconsider the bill as required by the constitution of the State; and the question being, "shall the bill pass notwithstanding the veto of the Governor?" the Senate refused to pass the bill—Yeas 0, nays 18.

Those who voted in the negative are—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Glass, Johnston, Lambert, Lentz, McAfee, Mahan, Martin of Tuscaloosa, Miller, Pennington, Sanford, Sibley, Wise and Worth—18.

BILL INTRODUCED.

Mr. Sanford, with leave, introduced a bill—

To amend an act in relation to chancery courts in Alabama;

Which was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

Message from the Governor :

EXECUTIVE DEPARTMENT, }
Montgomery, Jan. 10, 1872. }

Gentlemen of the Senate, and

House of Representatives :

Since your recent adjournment, the popular heart of the

country has been sorrowfully impressed by the death of ex-Gov. John Anthony Winston, who, after protracted suffering, expired at his home in the city of Mobile on Thursday the 21st day of December.

His name will always occupy an eminent and honorable place in the history of Alabama. The ability, patriotism, firmness and fidelity which distinguished him in the execution of every public trust confided to him, will secure to his memory the enduring gratitude and veneration of the people of this State.

Neither honors, nor eulogy, "can soothe the dull, cold ear of death," yet it is profitable to the living to commemorate the virtues of the dead.

I therefore hope it will please the General Assembly to perpetuate in their records, a solemn tribute to the life and character of John Anthony Winston.

ROBERT B. LINDSAY.

Which was read.

On motion of Mr. Farden, the message was ordered to be spread on the journal of the Senate, and a select committee of five appointed to draft suitable resolutions relative to the late ex-Governor John Anthony Winston.

Messrs. Farden, Bromberg, Worthy, Martin of Tuscaloosa and McAfee, were appointed said committee.

In respect to the memory of ex-Governor Winston—

Senate then adjourned until 11 o'clock to-morrow morning.

TWENTY-SEVENTH DAY.

FRIDAY, January 12, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Murrah, of the House of Representatives.

ROLL CALL.

On the call of the roll, the following Senators answered to their names,

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Johnston, Lambert, Lentz, Mabry, Mahan, McAfee, Martin of Russell, Martin of Tuscaloosa, Miller, Royal, Sanford, Sibley, Wise, Whitney and Worthy—22.

READING OF JOURNAL.

Journal of yesterday was read and approved.*

LETTER FROM LIEUTENANT GOVERNOR MOREN

Mr. President *pro tem.* presented a letter from Lieutenant-Governor Moren, explaining the cause of his absence.
Which was read.

LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. Hinds and Yordy.

REPORT OF A SELECT COMMITTEE.

Mr. Bromberg, from select committee, submitted the following preamble and resolution, which was read and adopted unanimously by a rising vote :

WHEREAS, The death of Ex-Governor John A. Winston has been officially announced to the General Assembly by His Excellency the Governor ;

And whereas, in this event a long and well spent life is closed, honorable to the deceased, and in its time honoring the people that crowned it with continued confidence—

Resolved by the Senate, That we rejoice, at a time when popular belief in the integrity of public men is almost destroyed, that, as citizens of Alabama, we can point to the finished life of one of her sons as a monument of integrity ; “ as pure and without guile ;” and as an example of political success, wrought out through honesty and manly independence.

Resolved further, That we hereby record our convictions in words of no idle compliment, that in Governor Winston the country had an example also of the complete man, fitted to fill all the walks of life ; in private unfolding the character of the upright and successful merchant, in public that of the unselfish patriot and just officer.

Resolved farther, That we are pained at the sufferings that marked the close of Gov. Winston's life, and tender to his

family such consolation as can be given by the expression of public sympathy.

Resolved further, That the President's desk be draped in mourning during the session of the Senate, out of respect to the memory of the distinguished dead, and that the members of the Senate wear the usual badge for thirty days.

QUESTION OF PRIVILEGE.

Mr. Whitney, chairman of the select committee on the Alabama and Chattanooga railroad, reported that a certain party summoned before said committee had refused to bring his books and papers before the committee.

Message from the House :

HOUSE OF REPRESENTATIVES, }
Jan. 12, 1872. }

Mr. President :

The House has originated and passed the following bills :

To incorporate the J. H. Clanton Hook and Ladder Company of Union Springs, Alabama.

To extend the time for the collection of taxes for the year 1871, and to extend the time for selling the personal and real property levied on for taxes unpaid for said year in the county of Greene.

ELLIS PHELAN,

Clerk of the House of Representatives.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To authorize the redemption of lands sold for taxes and purchased by the State ;

Was taken from the table, read a third time, under suspension of the constitutional rule, and passed.

House bills—

To prescribe the times of holding the circuit courts in the 10th judicial circuit;

To authorize Matthew D. Moore and Bell Taylor, guardians of the estate of Margaret Taylor, a lunatic, to sell the personal property of said estate at private sale ;

To authorize Amos M. Elliott, administrator *de bonis non* of the estate of James Cobb, deceased, late of Shelby county, to sell the lands of said estate ;

To prohibit the sale of spiritous or vinous liquors within three miles of the Methodist Church at Moscow, in Sanford county ;

Were severally read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the relief of maimed officers and soldiers who belonged to the military organizations and served in the armies of this State during the late war ;

Was read three times forthwith, under suspension of the constitutional rule.

Mr. Farden offered the following engrossed ryder :

“ Whether serving in the armies of the Confederate States or the armies of the United States, who are citizens of the State of Alabama ;”

Which amendment was read and laid on the table.

Bill was then passed.

Yeas 20, nays 0.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Tuscaloosa, Miller, Pennington, Royal, Sanford, Sibley, Wise, Whitney and Worthy— 20.

House bills—

To authorize N. B. Peacock, administrator *de bonis non* of the estate of Edward P. Brooks, late of Butler county, deceased, to sell certain lands belonging to said estate, at private sale ;

To incorporate the J. H. Clanton Hook and Ladder Company No. 1 of Union Springs, Alabama ;

To remove the administration of the estate of Sydenham Moore, deceased, from the probate court of Greene county into the probate court of Mobile county ;

To repeal an act to consolidate the funds of fines and forfeitures and the general fund in Sumter county, approved March 1, 1870 ;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To amend the charter of the city of Talladega and to confer additional powers on the mayor and aldermen of said city ;

Was read twice forthwith, under suspension of the constitutional rule, and passed.

House bill—

To extend the time for the collection of taxes for the year 1871, and to extend the time for the sale of real and personal property levied on for taxes, unpaid for said year, in the county of Greene;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

House bills—

In relation to the public printing;

To repeal an act entitled an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868; and an act amendatory thereof, approved October 10, 1868, so far as they relate to certain counties;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on printing.

House bill—

Requiring the justices' of the peace of Clay and Blount counties to act as apportioners and supervisors of public roads;

Was read twice forthwith, under the suspension of the constitutional rule, and laid on the table.

Yeas 13, nays 7.

Those who voted in the affirmative are:

Messrs. Barr, Bromberg, Coon, Glass, Johnston, Lentz, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Royal, Sibley, and Worthy—13.

Those who voted in the negative are:

Messrs. Foster, Lambert, McAfee, Mabry, Sanford, Wise and Whitney—7.

House bills—

To incorporate the town of Attala, in the county of Etowah

To change the line between the counties of Tallapoosa and Lee;

To change the boundary line between the counties of Bullock and Barbour;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bill—

To amend sub-division 7 of section 112 of an act entitled

"an act to establish revenue laws for the State of Alabama," approved December 31, 1868;

Was read a third time and laid on the table.

House bill—

To keep the school funds separate from the other funds of the State;

Was laid on the table.

House bill—

To amend section 1 of an act entitled "an act to enable the commissioners courts of St. Clair, Walker and Choctaw counties respectively, to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties," approved February 7, 1871, came up for the action of the Senate, the House having refused to concur in the Senate substitute for the bill.

Bill was laid on the table for the present.

RESOLUTION.

Mr. Coon offered the following resolution :

Resolved, That his excellency the Governor is hereby requested to furnish the Senate with a copy of the bond, names of sureties, and the responsibility of said sureties to the State of Alabama, in the matter of Receivership of the Alabama and Chattanooga Railroad, recently seized by his excellency on behalf of the State;

Which was read.

Pending consideration of which—

Senate then adjourned until 10½ o'clock to-morrow morning.

TWENTY-EIGHTH DAY.

SATURDAY, January 13, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Mr. Kinzer of the Methodist Protestant church of this city.

ROLL CALL.

On the call of the roll the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Glass, Johnston, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Pennington, Richards, Royal, Sanford, Sibley, Wise, Whitney and Worthy—20.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills and joint resolutions were introduced:

By Mr. Martin of Tuscaloosa—

To exempt certain property from levy and sale under legal process;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Farden—

To amend section one of an act entitled "An act to relieve the disabilities of persons against whom a divorce from the bonds of matrimony has been decreed;"

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Royal—

For the relief of Thomas H. Mabson, jr., of Bullock county;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Royal—

To make Mrs. Matilda Beasley, of Bullock county, a free dealer;

Which bill was read twice forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

For the relief of Daniel J. Campbell of Barbour county, from the disabilities of non-age;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

To relieve Daniel W. Hall of the disabilities of non-age ;
Which bill was read twice forthwith, under suspension of
the constitutional rule, and laid on the table for the present.

By Mr. Worthy—

To compensate county treasurers ;
Which bill was read twice forthwith, under suspension of
the constitutional rule.

On motion of Mr. Bromberg, the bill was amended, by
adding,

“ Or any officer performing the functions of county treasurer.”

Thus amended, the bill was referred to the judiciary committee.

By Mr. Farden—

Supplemental to an act entitled “ An act to relieve and
regulate the finances of the State ;”

Which bill was read twice forthwith, under suspension of
the constitutional rule, and referred to a select committee,
composed of Messrs. Farden, Pennington, McAfee, Martin of
Tuscaloosa, and Coon.

By Mr. Whitney—

To create a lien in favor of railroad and telegraph contractors ;

Which bill was read twice forthwith, under suspension of
the constitutional rule, and referred to the committee on internal
improvements.

Mr. Whitney—

To raise a fund for the benefit of the fire companies of
Montgomery ;

Which bill was read twice forthwith, under suspension of
the constitutional rule, and laid on the table for the present.

By Mr. Pennington—

Joint resolution to the Congress of the United States, asking
a removal of political disabilities generally, as recommended by President Grant ;

Which was read and adopted.

Yeas 21, nays 0.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Coon, Farden, Glass, Johnston,
Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell,
Martin of Tuscaloosa, Pennington, Richards, Royal, Sanford,
Wise, Whitney and Worthy—21.

By Mr. Sanford—

To authorize James A. Law to peddle without license in Cherokee county for one year ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

Said bill was amended so as to include Friendly Gruggs, of Barbour county ; Samuel N. Broung, of Macon county, and Williamson Spears, of Coosa county.

Bill was then ordered to a third reading.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
Jan. 13, 1872. }

Mr. President :

The House has originated and passed bills :

To change county boundaries of Barbour and Russell.

To amend sections 1756 and 1757 of the Revised Code.

To regulate the publication of legal notices in the county of Montgomery.

To repeal certain acts therein named so far as the same relates to the county of St. Clair.

To authorize Mrs. Nancy J. Hollingsworth to sell certain lands therein described.

To change the boundary line between Lee and Tallapoosa counties, so as to include certain lands therein described in Lee county.

To authorize the executor of Mary Wall, deceased, to sell certain lands at private sale ;

And has adopted joint memorial to the Congress of the United States, herewith transmitted.

ELLIS PHLEAN,
Clerk of the House of Representatives.

HOUSE BILL TAKEN UP.

On motion of Mr. Barr,
House bill—

To require the supreme court to reinstate upon the docket of said court (upon conditions therein expressed) a certain appeal from the circuit court for Limestone county ;

Was taken from the table. Yeas 10, nays 9.

Those who voted in the affirmative are :

Messrs. Barr, Glass, Johnston, Lambert, Lentz, McAfee, Martin of Russell, Richards, Wise and Whitney—10.

Those who voted in the negative are :
 Messrs. Bromberg, Coon, Mabry, Martin of Tuscaloosa,
 Pennington, Royal, Sanford and Sibley—9.
 Mr. Whitney moved indefinite postponement.
 Bill was made special order for 11 o'clock Monday.
 Senate then adjourned until 10½ o'clock Monday morning.

TWENTY-NINTH DAY.

MONDAY, January 15, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Morris of the Herron street Methodist Episcopal church, south, of this city.

ROLL CALL.

On the call of the roll the following Senators answered to their names—

Messrs. Barr, Bromberg, Coon, Farden, Glass, Johnston, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Worthy.

READING OF THE JOURNAL.

Journal of Saturday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills, memorials and joint resolutions were introduced :

By Mr. Lambert—

For the relief of Mrs. Nancy Vardaman, of Coosa county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Lambert—

For the relief of Mrs. Hannah S. Pate, of Coosa county ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Worthy, the bill was amended by striking out relative to making her a free dealer ;

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Bromberg—

Joint memorial to Congress for the extension of the time to make locations of swamp and overflowed lands for the State of Alabama ;

Which was read and adopted.

By Mr. Bromberg—

Joint resolution to Congress asking a grant of public lands to aid the construction of the Mobile and Northwestern Railroad ;

Which was read and adopted.

By Mr. Miller—

For the relief of W. M. Burnett, of Butler county, from non-age ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

To regulate the pay and mileage of the commissioners of Geneva county, and to provide for the payment of the same ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Johnston—

To make the clerk of the circuit court of Hale county ex-officio clerk of the county court of said county ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Worthy, the bill was amended so as to extend its provisions to the county of Crenshaw.

On motion of Mr. Mabry, the bill was further amended, so as to extend its provisions to the county of Barbour.

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Barr—

For the relief of all officers and soldiers of the late Confederate army from certain pains and penalties ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Worthy—

To require chancellors to state in writing the ground upon which their final decrees are rendered ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to judiciary committee.

By Mr. Worthy—

In relation to the duties of the clerk of the supreme court;
Which bill was read twice forthwith, under suspension of
the constitutional rule, and referred to judiciary committee.

By Mr. Sanford—

To amend section 12 of an act to make a new charter for
Union Springs, in Bullock county;

Which bill was read twice forthwith, under suspension of
the constitutional rule, and referred to the committee on mu-
nicipal and county organizations.

By Mr. Farden—

New rule relative to the order of business in the Senate ;

Which was read and referred to the committee on rules and
regulations,

Message from the House—

HOUSE OF REPRESENTATIVES, }
January 15, 1872. }

Mr. President :

The House has originated and passed bills as follows :

To authorize B. F. Moseley, administrator of the estate of
Lewis B. Moseley, deceased, to rent certain property pri-
vately ;

To ratify and legalize an election held in the town of Seale,
in the county of Russell, on the 8th January, 1872 ;

To repeal an act authorizing the commissioners court of
Sumter county to levy an additional tax for county purposes ;

To repeal an act to amend an act entitled an act to estab-
lish revenue laws for the State of Alabama ;

To authorize the commissioners court of Monroe county to
levy a special tax ;

To authorize Williamson Spears of Coosa county to peddle
without license.

ELLIS PHELAN,
Clerk House of Representatives.

Report of standing committee :

FINANCE AND TAXATION.

Mr. Sanford, from the committee on finance and taxation,
reported favorably to House bill—

Authorizing the auditor to draw his warrant on the treas-
urer to pay for legal services rendered the State by the late
Gen. J. H. Clanton ;

Said bill was made special order for 12 o'clock to-morrow.

SPECIAL ORDER.

At 11 o'clock, the special order set for that hour came up, it being the House bill—

To require the supreme court to re-instate upon the docket of said court (upon certain conditions therein expressed) a certain appeal from the circuit court of Limestone county.

The question being on its indefinite postponement,

The bill was indefinitely postponed—yeas 14, nays 10.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Glass, Johnston, Lentz, McAfee, Mabry, Martin of Russell, Richards, Sevier, Stow, Wise and Whitney—14.

Those who voted in the negative are :

Messrs. Bromberg, Lambert, Mahan, Martin of Tuscaloosa, Miller, Pennington, Royal, Sanford, Sibley and Worthy—10.

Mr. Whitney moved to reconsider said vote.

Which motion, on motion of Mr. Barr, was laid on the table.

Yeas 13, nays 10.

Those who voted in the affirmative, are—

Messrs. Barr, Coon, Farden, Glass, Johnston, Lentz, McAfee, Martin of Russell, Richards, Royal, Sevier, Stow, Wise and Whitney—13.

Those who voted in the negative are—

Messrs. Bromberg, Lambert, Mahan, Martin of Tuscaloosa, Miller, Pennington, Royal, Sanford, Sibley and Worthy—10.

RESOLUTIONS.

Mr. Coon offered the following resolution :

Resolved, That His Excellency the Governor be requested to inform this Senate, what amount of money, if any, has been borrowed to complete the construction and defray the current running expenses of the Alabama and Chattanooga Railroad since His Excellency seized said railroad on behalf of the State of Alabama : also, what amount of certificates good for freight and passenger fare has been issued by the Receiver, Col. J. H. Gindrat, or his subordinates, for the benefit of the creditors of said railroad, on account of labor and other accounts commonly recognized as floating debt ;

Which was read.

On motion of Mr. Worthy,

The resolution was amended by also asking for information as to the amount borrowed and paid as interest on the bonds

of the Alabama and Chattanooga railroad, on the part of the State.

Thus amended, the resolution was referred to the select committee appointed under Mr. Whitney's resolution relative to the State's management of said railroad.

Mr. Coon offered the following resolution, which was read and referred to the same committee :

Resolved, That the Treasurer of State be requested to inform this Senate what amount of money, if any, has been drawn from the State treasury, on account of the construction, or for the purpose of defraying the current running expenses of the Alabama and Chattanooga railroad, since the seizure of the railroad by His Excellency the Governor of the State.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Bromberg until Wednesday next.

Senate then adjourned until 10 $\frac{1}{4}$ o'clock to-morrow morning.

THIRTIETH DAY.

TUESDAY, January 16, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Morris of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Coon, Farden, Glass, Johnston, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Worthy—22.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Miller.

CONSIDERATION OF HOUSE MESSAGES.

House bills—

To authorize the executors of Mary Wall, deceased, to sell certain lands at private sale ;

To authorize B. F. Mosely, administrator of the estate of Lewis B. Mosely, to rent certain property privately ;

To ratify and confirm an election held in the town of Seale, in the county of Russell, on the 8th day of January, 1872.

To authorize the commissioners court of Monroe county to levy a special tax.

To repeal an act to authorize the commissioners court of Sumter county to levy an additional tax for county purposes.

To authorize Mrs. Nancy Hollingsworth to sell certain lands therein described.

Were severally read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To repeal an act entitled "An act to amend an act to establish revenue laws for the State of Alabama;"

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

House bill—

To regulate the publication of legal notices in the county of Montgomery ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on printing.

House bill—

To authorize the levy and collection of a general tax by the commissioners court of Coffee county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize Williamson Spears of Coosa county to peddle without license ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Lambert, Mahan and Stow.

House bill—

To change the boundaries of Barbour and Russell counties;
 Was read twice forthwith, under suspension of the constitutional rule, and indefinitely postponed.

House bill—

To amend sections 1756 and 1757 of the Revised Code;
 Was read twice forthwith, under suspension of the constitutional rule, and indefinitely postponed.

House bill—

To repeal the following named acts as they relate to the county of St. Clair, to-wit:

An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne and other counties, approved March 2, 1870; and an act to amend an act to regulate the publication of legal and other notices in the State of Alabama, approved October 10, 1868; and an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868;

Was read twice forthwith, under suspension of the constitutional rule, and ordered to a third reading.

House bill—

To change the boundary line between the counties of Lee and Tallapoosa, so as to include the northeast quarter of section fourteen (14), and the east half of section fifteen (15), township twenty (20) and range twenty-four (24), in the county of Lee;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bill—

To relieve the disabilities of non-age from Carrie Nelson Goree, of Hale county;

Was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Worthy, Lambert and Mahan.

House bills—

To prevent homicides;

To amend an act in relation to appeals from justices' courts
 Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bills—

To authorize James E. Scott, administrator of the estate of Thomas Gough, deceased, to sell certain lands at private sale.

To authorize B. L. Turner of Choctaw county to redeem certain land sold for taxes and purchased by the State ;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Foster, Barr and Farden.

House joint memorial—

To refund the cotton tax collected in 1865, 1866 and 1867 ;
Was read and adopted.

House bill—

To define the meaning of words and terms used in the acts of the General Assembly passed at the sessions of 1868, 1869, 1870, 1871 and 1872; and hereafter to be passed ;

Was read and indefinitely postponed.

Report of a standing committee :

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported favorably to House bills—

To authorize Mrs. Eliza C. Bradley of Coffee county, to sell certain lands therein described ;

To repeal an act to regulate the publication of legal and other notices in the State of Alabama and the several amendments thereto, so far as the same relate to such publication within the county of Madison ;

Which bills were severally read a third time forthwith, under suspension of the constitutional rule, and passed.

Message from the House :

HOUSE OF REPRESENTATIVES, }
Jan. 16, 1871. }

Mr. President :

The House has originated and passed bills as follows :

To amend "an act in relation to appeals from justices' courts ;"

To authorize the levy and collection of a general tax in Coffee county ;

To define the meaning of words and terms used in the acts of the General Assembly, passed at the sessions of 1868, 1869, 1870, 1871, 1872, and hereafter to be passed ;

To relieve from the disabilities of non-age Carrie Nelson Goree of Hale county ;

To authorize B. L. Turner of Choctaw county, to redeem certain land sold for taxes and purchased by the State;

To authorize James E. Scott, administrator of the estate of Thos. Gough, deceased, to sell certain lands at private sale;

To prevent homicides;

To establish revenue laws for the State of Alabama.

The House has passed the Senate bill—

To amend "an act to create a new county to be called the county of Baker," approved March 2, 1871.

ELLIS PHELAN,

Clerk of House of Representatives.

Mr. McAfee, from the judiciary committee, reported favorably to House bill—

To abolish the county court of Bullock county;

Consideration of which was cut off by

SPECIAL ORDER.

At 12 o'clock the special order came up, it being the House bill—

Authorizing and requiring the Auditor to draw his warrant on the Treasurer to pay for legal services rendered the State by the late Gen. J. H. Clanton.

Mr. Mabry moved to amend by striking out "ten thousand dollars," and inserting "three thousand dollars."

Which amendment, on motion of Mr. Barr, was laid on the table.

Yeas 14, nays 7.

Those who voted in the affirmative are:

Messrs. Barr, Coon, Farden, Glass, Johnston, Lentz, Martin of Russell, Martin of Tuscaloosa, Pennington, Royal, Sanford, Wise, Whitney, and Worthy—14.

Those who voted in the negative are:

Messrs. Lambert, McAfee, Mabry, Mahan, Richards, Sevier and Sibley—7.

Mr. Mabry moved to amend by striking out "ten thousand dollars," and inserting "five thousand dollars;"

Which amendment, on motion of Mr. Barr, was laid on the table.

Yeas 13, nays 7.

Those who voted in the affirmative are:

Messrs. Barr, Coon, Farden, Glass, Johnston, Martin

of Russell, Martin of Tuscaloosa, Pennington, Royal, Sanford Wise, Whitney and Worthy—13.

Those who voted in the negative are:

Messrs. Lambert, McAfee, Mabry, Mahan, Richards, Sevier and Sibley—7.

Pending consideration of which House bill, with Mr. Richards entitled to the floor,

Senate adjourned until 10 $\frac{1}{2}$ o'clock to-morrow morning.

THIRTY-FIRST DAY.

WEDNESDAY, January 17, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Morris of this city

ROLL CALL.

On the call of the roll, the following Senators answered to theirnames:

Messrs. Barr, Coon, Farden, Foster, Glass, Johnston, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Worthy—24.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

REPORT OF A SELECT COMMITTEE.

Mr. Worthy, from select committee, reported favorably to House bill—

To relieve Nelson Goree of Haie county, from the disabilities of non-age;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

CALL OF THE DISTRICTS.

On call of the districts, the following bills were introduced :

By Mr. Sevier—

To relieve Margaret Matthews from making annual settlements as guardian for wards ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sevier—

To repeal an act to amend section 4063 of the Revised Code as to the counties of Colbert, Franklin and Lawrence ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Foster—

To amend section 2869 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Mahan—

To authorize Mrs. Lydia A. Ausbourn, to sell certain lands therein described ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mahan—

To authorize Mrs. Elizabeth C. Prim, to sell certain lands therein described ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mahan—

To authorize Mrs. Pheriby Roberson to sell certain lands therein described ;

Which bill was read three times forthwith, under suspension of the constitutional rule and passed.

By Mr. Martin of Tuscaloosa—

In relation to the bonds issued by the county of Tuscaloosa, to build bridges over the Warrior river ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Lambert—

To authorize J. W. McBrayer of Coosa county, to sell certain real estate ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Glass—

To make Mrs. Leah Ann Ward of Macon county, a free dealer ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Maby—

To repeal an act to incorporate Pine Grove church, in Barbour county ;

Which was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Johnston—

To make Hale county the 14th district of the middle chancery division of the State of Alabama ;

Which bill was read three times under suspension of the constitutional rule, and passed.

By Mr. Worthy—

To enable Mrs. Kansas Murphree of Pike county, to make titles to certain lands therein named ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Lambert—

To prohibit the sale, giving away, or otherwise disposing of to another, spirituous, vinous or malt liquors, within a distance of three miles of the Socapotoy chapel or church house of the Methodist Episcopal church, South, in Coosa county.

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Lambert, Mabry and Farden.

By Mr. Coon—

Relating to the Selma, Marion and Memphis railroad company ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and one hundred and fifty copies ordered to be printed, and referred to the committee on internal improvements.

By Mr. Coon—

To relieve the Alabama Central Railroad (late Selma & Meridian Railroad) from certain penalties incurred in regard to State and county taxes ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

RESOLUTION.

Mr. Farden offered the following resolution--

Resolved, That the Sergeant-at-arms be and he is hereby authorized to procure a national flag to be erected on the capitol building; and that the sum of one hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the same;

Which was read.

Said resolution, on motion of Mr. Pennington, was laid on the table--yeas 11, nays 8.

Those who voted in the affirmative are--

Messrs. Johnston, King, Lambert, Mabry, Martin of Tuscaloosa, Pennington, Sanford, Sevier, Stow, Wise and Worthy--11.

Those who voted in the negative are--

Messrs. Coon, Farden, Foster, McAfee, Mahan, Richards, Sibley and Whitney--8.

Mr. Farden offered the following resolution--

Resolved, That the Sergeant-at-arms be directed to bring before this Senate, R. C. Randolph, acting treasurer of the Alabama & Chattanooga Railroad under appointment of J. H. Gindrat, receiver of said railroad, to show cause why he does not exhibit to the special committee of this body, the books and papers concerning the workings and management of the Alabama & Chattanooga Railroad;

Which was read and laid over until to-morrow.

AUTHORITY TO PRINT.

On motion of Mr. Whiting, the select committee raised under his resolution relative to the Alabama & Chattanooga Railroad, was authorized to print their report and the evidence as the investigation progresses.

SPECIAL ORDER.

Senate resumed consideration as a special order:

House bill--

Authorizing and requiring the Auditor to draw his warrant on the Treasurer to pay for legal services rendered the State by the late Gen. James H. Clanton.

Senate refused to suspend the constitutional rule to give the bill a third reading forthwith--Yeas 16, nays 7.

Those who voted in the affirmative are--

Messrs. Barr, Coon, Farden, Glass, Lentz, Mabry, Martin of Russell, Martin of Tuscaloosa, Pennington, Royal, Sanford, Sevier, Stow, Wise, Whitney and Worthy—16.

Those who voted in the negative are :

Messrs. Foster, King, Lambert, McAfee, Mahan, Richards and Sibley—7.

On motion of Mr. Pennington, the bill was ordered to a third reading at 12 o'clock on to-morrow.

Message from the House :

HOUSE OF REPRESENTATIVES, }
January 17, 1871. }

Mr. President :

The House has originated and passed bills as follows :

In relation to tax collectors' receipts.

To enforce the collection of taxes from express companies.

ELLIS PHELAN,

Clerk House of Representatives.

Report of a standing committee :

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported adversely to House bill—

To repeal sections 3931, 3935, 3936, 3937, 3938 and 3939 of the revised code as to the counties of Covington, Marengo, Marshall and Conecuh.

Bill was recommitted to the Senate committee.

Senate then adjourned until 10½ o'clock to-morrow morning.

THIRTY-SECOND DAY.

THURSDAY, January 18, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Morris of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Coon, Farden, Foster, Glass, Johnston, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Wise, Whitney and Worthy—24.

READING OF JOURNAL.

Journal of yesterday was read and approved.

REPORTS OF A SELECT COMMITTEE.

Mr. Foster, from select committee, reported favorably to House bills—

To authorize James E. Scott, administrator of the estate of Thomas Gough, deceased, to sell certain lands at private sale.

To authorize B. L. Turner, of Choctaw county, to redeem certain lands sold for taxes and purchased by the State.

Which bills were severally read a third time forthwith, under suspension of the constitutional rule, and passed.

JOINT RESOLUTION REFERRED.

Mr. Sevier's joint resolution proposing amendments to the State constitution was taken up and referred to the judiciary committee.

CALL OF THE DISTRICTS.

On the call of the districts the following bills were introduced:

By Mr. Mahan—

To detach the county of Bibb from the tenth judicial circuit and attach the same to the third judicial circuit, and to regulate the time of holding courts therein ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Lambert—

To subject the property of defendants in all the cases where judgments and executions have issued and supersedeas have

issued until the final disposition of the supersedeas have been issued, when appeals have been taken to the supreme court ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. King—

To authorize the chancery court of Troy, Alabama, to confirm the sale of lands made by W. H. Parker, Esq., late register in chancery, and to render the conveyance proper or usual to be executed by the register acting as such at the time of conveyance ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. King—

To regulate the timber business, such as may be hewed, sawed or otherwise prepared for market in Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. King—

For the relief of Levina Miller, of Coffee county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. King—

To require the probate judges to keep the supreme court reports, the codes, digests, and all other law books in the circuit court room during the term of court ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Pennington—

To incorporate the Tuskegee Manufacturing Company ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on agriculture and commerce.

By Mr. Pennington—

To amend the city charter of Opelika, Alabama ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. King—

For the relief of David W. Brown, a minor of Dale county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Pennington—

To declare the offices of mayor and aldermen of the city of Opelika vacant ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and ordered to a third reading.

By Mr. Farden—

To amend section 1186 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Farden, Whitney and Martin of Tuscaloosa, to which committee was also referred Mr. Whitney's bill—

To raise a fund for the benefit of the fire companies of Montgomery.

By Mr. Farden—

New rule to abolish the rule requiring the Senate to devote Tuesday and Friday to the consideration of House messages ;

Which was read and lies over for one day.

By Mr. Barr—

To amend an act incorporating the Selma, Marion and Memphis Railroad Company ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Worthy—

For the relief of the securities on the official bond of Sim-eon D. Wilson, late tax collector of Pike county :

Which was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
January 18, 1871. }

Mr. President :

The House has originated and passed the following bills—

To prohibit the sale of spirituous liquors in the town of Oxford, and within five miles thereof ;

To prohibit the sale or giving away of any intoxicating liquors within one mile of the works of the Chewacla Lime Company in Lee county ;

To prohibit the sale of spirituous, vinous or malt liquors

within three miles of Whitten's shop, in the county of Lee ;

To authorize John E. Bishop, guardian of W. F. Pool and Nancy E. Pool to sell lands at private sale belonging to said minors ;

To relieve James A. Wade, foreign executor of the estate of H. Wade, deceased, from the requirements of section 2293 of the Revised Code of Alabama, and to authorize him as said executor, to sue and recover in a certain cause pending in the chancery court at Abbeville, Alabama, the same as if it were a suit in his own right ;

Joint resolutions on the publication of the laws.

ELLIS PHELAN,

Clerk House of Representatives.

SPECIAL ORDER.

At 12 o'clock the special order set for that hour came up, it being the House bill—

Authorizing and requiring the auditor to draw his warrant on the treasurer, to pay for legal services rendered the State, by the late Gen. J. H. Clanton.

Said bill was ordered to a third reading at 12 o'clock to-morrow morning.

Senate then adjourned until 10 $\frac{1}{4}$ o'clock to-morrow morning.

THIRTY-THIRD DAY.

FRIDAY, January 19, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Morris of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names.

Messrs. Barr, Coon, Farden, Foster, Glass, Johnston, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Worthy—
25.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

RECONSIDERATION.

On motion of Mr. Sibley, the Senate reconsidered the vote indefinitely postponing House bill---

To amend sections 1756 and 1757 of the Revised Code of Alabama.

Said bill was then referred to the judiciary committee.

LEAVES OF ABSENCE.

Leave of absence was granted to Mr. Bromberg.

Leave of absence was granted to Mr. Mahan.

Leave of absence was granted to Mr. Royal.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To enforce the collection of taxes from express companies;

Was read twice forthwith, under suspension of the constitutional rule, fifty copies ordered to be printed, and referred to the judiciary committee.

House bill—

To establish revenue laws for the State of Alabama;

Which bill was read twice forthwith, under suspension of the constitutional rule, fifty copies ordered to be printed, and referred to the committee on finance and taxation.

House bills—

To prohibit the sale of spirituous liquors within the town of Oxford, and within five miles thereof;

To authorize John E. Bishop, guardian of W. F. Pool and Nancy E. Pool, to sell lands at private sale belonging to said minors;

To prohibit the sale of spirituous, vinous or malt liquors within three miles of Whitten's Shop, in Lee county;

To relieve James A. Wade, foreign executor of the estate of H. Wade, deceased, from the requirements of section 2293 of the Revised Code of Alabama;

To prohibit the sale of spirituous liquors within one mile of Pine Grove Academy, of Pickens county;

To extend the time in which the Mobile Har-

bor and Railroad Company have to complete their harbor and railroad ;

To authorize and empower Elisha R. Parker, guardian of his minor children, to sell the lands belonging to the estate of said minors, at private sale, for the purpose of re-investment;

Were severally read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prohibit the sale or giving away of any intoxicating liquors within one mile of the Chewacla Lime Company, in Lee county ;

Was read and indefinitely postponed.

House bills—

In relation to tax collectors' receipts ;

To extend the time for assessing the taxes in Morgan county ;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

House joint resolution—

Relative to the publication of the laws;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on printing.

House bill—

For the relief of Benjamin Patrick, a citizen of Alabama, residing in the city of Mobile ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To repeal certain acts relating to the publication of legal notices in the counties of Shelby, Winston, Baker, DeKalb and other counties, so far as relates to St. Clair county ;

Was read a third time, and indefinitely postponed.

House bills—

For the relief of Mrs. Mary Graves, wife of Joseph Graves, of Dallas county;

To authorize the corporate authorities of the town of Prattville to subscribe to the capital stock of the South and North Alabama railroad company ;

Were severally read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend section three of an act to incorporate the Gulf City Insurance Company;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on banks and insurance.

Messages from the House:

HOUSE OF REPRESENTATIVES, }
January 19, 1872. }

Mr. President:

The House has originated and passed the following bills:
For the relief of Mrs. Mary Groves, wife of Joseph Groves of Dallas county.

To authorize the corporate authorities of the town of Prattville, to subscribe to the capital stock of the south and north Alabama railroad.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
January 19, 1872. }

Mr. President:

The House has passed the Senate bill:

To relieve the Montgomery and Eufaula railroad company from the penalty on delinquent taxes for the year 1870.

The House has originated and passed bills as follows:

To authorize and empower Elisha R. Parker, guardian of his minor children to sell the lands belonging to the estate of such minor's at private sale, for the purpose of reinvestment.

To prohibit the sale of spirituous liquors within one mile of Pine Grove academy, in Pickens county.

To amend section three of an act to incorporate the Gulf City insurance company.

For the relief of Benjamin Patrick, a citizen of Alabama, residing in the city of Mobile.

To extend the time in which the Mobile harbor railroad company have to complete their harbor railroad.

To regulate the publication of legal notices in the county of Mobile.

To extend the time for assessing the taxes in Morgan county.

ELLIS PHELAN,
Clerk House of Representatives.

SPECIAL ORDER.

At 12 o'clock, the special order set for that hour, came up, it being

House bill—

Authorizing and requiring the Auditor to draw his warrant on the Treasurer to pay for legal services rendered the State by the late Gen'l J. H. Clanton.

Said bill was referred to a select committee, composed of Messrs. Whitney, Oliver, and Martin of Tuscaloosa, with instructions to report at 11 o'clock, Monday next.

Reports from standing committees :

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported adversely to

House bill—

To establish a city court in the county of Lee, with civil jurisdiction ;

Which adverse report was concurred in.

Also, from the same committee, reported favorably to

House bill—

To establish a criminal court in the county of Bullock, with criminal and civil jurisdiction.

Consideration of the bill was cut off by the special order.

REPORT OF SELECT COMMITTEE.

Mr. Lambert, from the select committee, reported favorably, with amendment, to

House bill—

To authorize Williamson Spears of Coosa county, to peddle without license ;

Said amendment was adopted.

Mr. Pennington offered the following amendment ;

Which was adopted :

“ That the provisions of this bill be extended to Isaac Culbeth of Lee county, and that he be authorized to peddle free of license in the county of Lee.

Pending the consideration of the bill—

Senate adjourned until 11 o'clock to-morrow morning.

THIRTY-FOURTH DAY.

SATURDAY, January 20, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Morris, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Coon, Farden, King, Lambert, Lentz, McAfee, Mabry, Oliver, Richards, Sibley, Steward and Worthy—14.

There being no quorum present,
Senate adjourned until 10 $\frac{1}{2}$ o'clock, Monday morning.

THIRTY-FIFTH DAY.

MONDAY, January 22, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Murrah, of the House of Representatives.

ROLL CALL.

On the call of the roll the following Senators answered to their names :

Messrs. Coon, Johnston, King, Lambert, Mabry, Martin of Russell, Martin of Tuscaloosa, Oliver, Sanford, Sevier, Sibley and Steward—12.

There being no quorum present,
Senate took a recess, subject to the call of the President.

Senate was again called to order.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Coon, Farden, Johnston, King, Lambert, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Oliver, Richards, Hinds, Royal, Sanford, Sevier, Sibley, Steward, Wise, Whitney and Worthy—21.

READING OF JOURNAL.

The journal of Friday and Saturday last was read and approved.

RECONSIDERATION.

On motion of Mr. Oliver, the Senate reconsidered the vote indefinitely postponing House bill—

To repeal certain acts relating to the publication of legal notices in Shelby, Walker, St. Clair, Baker, Cleburne and other counties, so far as they relate to the county of St. Clair.

Bill was then referred to the committee on printing.

CALL OF THE DISTRICTS.

On the call of the Districts, the following bills and joint resolutions were introduced :

By Mr. Sevier—

To authorize G. L. Wingo, a citizen of Colbert county, to auction and peddle without State and county license or tax ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

To prohibit the sale of vinous or spirituous liquors at or within two miles of Liberty Church and Central Academy, in the county of Barbour ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

For the relief of Samuel N. Brown, of Macon county ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. King, the bill was amended by including the counties of Dale, Henry and Coffee.

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. King—

For the relief of J. N. and George Walker, of Dale county, Alabama, of non-age ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sibley—

For the relief of Samuel H. Hardwick, of Montgomery county;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Oliver, the bill was amended, by including the name of Henry C. Hurst, of Jefferson county.

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Oliver—

To tax express companies and to enforce the collection of the same, and to authorize the Southern Express Company to pay its taxes for the years 1865, 1870 and 1871;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. King—

To authorize Celia Barborne, widow of William Barborne, deceased, to sell certain lands in Coffee county, Alabama;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Martin of Tuscaloosa—

To provide for the interpretation, by the supreme court of Alabama, of any statute law of the State, upon application of the Governor of the State, or the General Assembly or either House thereof, upon application therefor;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Martin of Tuscaloosa—

To regulate the payment of fees and allowances due to sheriffs in certain cases;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Martin of Tuscaloosa—

For the relief of A. J. Tidwell, late tax collector of Fayette county, Alabama;

Which bill was read twice forthwith, under suspension of the constitutional rule, and laid on the table for the present.

By Mr. Lambert—

To encourage the publication of a new edition of Professor Tuomey's first report on the Geology of Alabama;

Which bill was read twice forthwith, under suspension of

the constitutional rule, and referred to a select committee composed of Messrs. Lambert, Farden and Sevier.

By Mr. Lambert—

For the relief of the widows in Alabama, created by the late war ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Lambert, Martin of Tuscaloosa, Coon, Sibley and Whitney, with instructions to report at 1 P. M. on Thursday next, for which hour it was made the special order.

By Mr. Mabry—

To authorize Friendly Grubbs, of Barbour county, to peddle and auction without license ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Farden, the bill was amended by extending its provisions to Samuel N. Brown, of Macon county.

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

To fix the times of holding elections in certain cases ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the joint select committee on the election laws of the State.

By Mr. Farden—

Making an appropriation for the purchase of two hundred copies of Hodgson's Alabama Manual for 1871 ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on industrial resources.

By Mr. Farden—

To amend section 1 and 2 of an act to incorporate the South and North Alabama Railroad Company ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Coon—

To ratify and confirm a subscription made by the county of Dallas to the capital stock of the Selma and Gulf Railroad Company ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Farden—

To provide for the disposal of the funds arising from the Agricultural Land Scrip granted to the State of Alabama for the purpose of a College for Agricultural and Mechanic Arts ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Farden, King, Oliver, Barr and Wise.

By Mr. Farden—

Joint resolution for the appointment of a joint committee of the two houses of the General Assembly to inquire into the condition of the Penitentiary convicts employed on the public works of the State, to visit the public works, and send for persons and papers;

Which was read and laid on the table for the present.

By Mr. Coon—

For the relief of John B. Davis, late tax collector of Greene county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and laid on the table for the present.

By Mr. Worthy—

To change the county lines between the counties of Covington and Crenshaw ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and laid on the table for the present.

By Mr. Worthy—

To define the duties of the Surgeon General of the State of Alabama;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on military.

By Mr. Farden—

To amend paragraph 2 of section 2889 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on poor laws and charitable institutions.

By Mr. Farden—

To aid the Montgomery fire companies ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the select committee already raised upon the same subject.

SPECIAL ORDER.

At 11 o'clock Mr. Whitney, chairman of the select committee, to whom was referred House bill—

Authorizing and requiring the auditor to draw his warrant on the treasurer to pay for legal services rendered the State by the late Gen. J. H. Clanton,

Asked and obtained leave for the committee until 11 o'clock on Thursday next to report upon said bill, for which hour it was made the special order.

The committee on public buildings and institutions was instructed to make a certain report in relation to the penitentiary at 12 o'clock on Wednesday next, for which hour it was made the special order.

Reports of Standing Committees.

INTERNAL IMPROVEMENTS.

Mr. Coon, from the committee on internal improvements, reported favorably to Senate Bill—

In relation to the Selma, Marion and Memphis Railroad Company.

Mr. Martin of Tuscaloosa offered an amendment;

Which, with the bill, was recommitted to the same committee with instructions to report at 12 o'clock M. on Wednesday next, for which hour it was made special order.

Also, from the same committee, reported favorably to Senate bill—

To create a lien in favor of railroad and telegraph contractors.

Mr. McAfee moved to amend the bill by striking out section five (5.)

W. Worthy offered the following amendment:

“And provided further: That nothing herein contained in any of the sections of this act shall be so construed as to affect any lien now held or hereafter to be acquired by virtue of any State endorsement of any of the bonds of the railroads in this State heretofore made or hereafter to be acquired; and further, that it shall not be lawful to interfere with any contract or agreement hereafter to be made when the interest of the State is or may be hereafter involved or concerned directly or indirectly.”

Bill and amendments were recommitted to the same com-

mittee, with instructions to report at 12½ o'clock on Wednesday next, for which hour it was made special order.

ROADS AND PUBLIC HIGHWAYS.

Mr. Whitney, from the committee on roads and public highways, reported favorably to House bill—

To repeal an act entitled an act in regard to roads, bridges and ferries in the county of Mobile ;

Which bill was ordered to a third reading.

REPORT OF A SELECT COMMITTEE.

Mr. Lambert, from select committee, reported favorably, with amendment, to Senate bill—

To prohibit the sale, giving away or otherwise disposing of to another, spirituous, vinous or malt liquors within a distance of three miles of the Socapotoy chapel or church house of the Methodist Episcopal church, south, in Coosa county.

The committee was allowed to withdraw said amendment.

On motion of Mr. Oliver, the bill was amended by striking out the following words: "Regular physicians in the practice of their profession."

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
January 21, 1872. }

Mr. President:

The House has originated and passed bills as follows :

To prohibit the sale of vinous or spirituous liquors at or within two miles of the town of Houston, in the county of Winston.

To incorporate the town of Gordon, in Henry county.

To incorporate the town of Georgiana, in Butler county.

To incorporate the town of Youngsville, in the county of Tallapoosa.

To incorporate the town of Elkmont, in Limestone county.

To amend section 3 of "An act to incorporate the town of Gadsden, in Etowah county," approved March 5, 1871.

To authorize Missouri Huyett, widow of D. H. Huyett, de-

ceased, to sell the property belonging to said decedent at the time of his death.

To allow Miss Elizabeth A. Preston, of Wilcox county, to sell a house and lot in the town of Allenton, Alabama.

To authorize the commissioners court of Baldwin county to levy a tax for the year 1871.

To regulate the manner of giving notice of annual settlements of estates of decedents in the county of Calhoun.

To incorporate the town of Carrollton, in the county of Pickens.

To authorize Bryce Wilson to pay over certain moneys therein named to R. S. Watkins, attorney-at-law.

To establish a new charter for the town of Montevallo, in Shelby county.

To amend an act to incorporate the Tuscaloosa Savings Association.

To repeal section 99 of an act to consolidate the several acts of incorporation of the city of Mobile, to alter and amend the same.

To confer additional powers upon the Mayor and council of Elyton.

To preserve order at China Grove camp ground, in the county of Dale.

To amend an act entitled "An act to amend the act incorporating the Montgomery and Pickett Springs Gravel Road Company."

ELLIS PHELAN,
Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
January 22, 1871. }

Mr. President :

The House has passed Senate bills as follows :

To provide for the completion of the Alabama tract books in the office of the Secretary of State.

To direct how a certain judgment, recovered by township six, range ten, when collected, shall be paid.

And has originated and passed bills as follows :

To relieve Miss Annie E. Mellhouse, of Dallas county, of the disabilities of non-age.

ELLIS PHELAN,
Clerk House of Representatives.

Senate then adjourned until 10½ o'clock to-morrow morning.

THIRTY-SIXTH DAY.

TUESDAY, January 23, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Howell of the House of Representatives.

ROLL CALL.

On the call of the roll the following senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Glass, Hinds, Johnston, King, Lambert, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—24.

READING OF JOURNAL.

Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Jones on account of sickness.

CONSIDERATION OF HOUSE MESSAGES.

House bills—

To preserve order at the China Grove Camp Ground in the county of Dale ;

To confer additional powers upon the mayor and council of the town of Elyton ;

To authorize Bryce Wilson to pay over certain monies therein named, to R. S. Watkins, attorney at law ;

To regulate the manner of giving notice of annual settlements of estates of decedents in the county of Calhoun ;

To authorize the commissioners court of Baldwin county to levy a tax for the year 1871 ;

To allow Mrs. Elizabeth A. Preston of Wilcox county to sell a house and lot in the town of Allenton, Alabama ;

To authorize Missouri Huyett, widow of D. H. Huyett, deceased, to sell the property belonging to said decedent at the time of his death ;

To prohibit the sale of vinous or spirituous liquors at or within two miles of the town of Houston, in the county of Winston ;

To amend an act entitled an act to prohibit the sale of spirituous or intoxicating liquors of any kind within two miles in any direction of the Clopton academy, in the county of Dale ;

To change the voting precinct in beat 13 in Henry county ;
For the relief of R. S. Watkins of Franklin county ;

To repeal an act entitled an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as it relates to the county of Dale ;

To issue a patent to lands therein described, to Daniel Carlisle ;

For the relief of the indigent insane ;

Were severally read three times forthwith, under suspension of the constitutional rule, and passed.

House joint memorial—

To the Congress of the United States asking relief in certain cases, was read and adopted.

House joint resolutions—

On the subject of the swamp and overflowed lands of this State ;

Was read twice forthwith under suspension of the constitutional rule.

On motion of Mr. Farden, the resolutions were amended by substituting the words, "Be it resolved," in lieu of "Be it enacted."

On motion of Mr. Bromberg, they were further amended by substituting the word "instructed" for the word "requested" after the word "respectfully" in the second line of the first resolution, and by substituting the word "requested" for "instructed" in the third line of the same resolution.

On motion of Mr. Worthy, they were still further amended by additional resolution, as follows :

"Be it further resolved, That the Governor is hereby required to send a copy of these resolutions to our Senators and Representatives in Congress ;"

Thus amended, the joint resolutions were read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize Williamson Spears of Coosa county to peddle without license ;

As amended by the Senate, was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To repeal an act entitled an act in regard to roads, bridges and ferries in the county of Mobile;

Was read a third time and passed.

House bills---

To incorporate the town of Georgiana, in the county of Butler;

To establish a new charter for the town of Montevallo, in the county of Shelby;

To incorporate the town of Carrollton, in the county of Pickens;

To amend section three (3) of an act entitled "an act to incorporate the town of Gadsden, in the county of Etowah," approved March 3, 1871;

To incorporate the town of Elkmont, in the county of Limestone;

To incorporate the town of Youngsville, in the county of Tallapoosa;

To incorporate the town of Gordon, in the county of Henry

To incorporate the town of Waterloo, in the county of Lauderdale;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bills---

To amend an act entitled an act to amend an act entitled an act to incorporate the Montgomery and Pickett Springs Gravel Road Company;

To amend section 1322 of the Revised Code of Alabama;

Were severally read twice forthwith, under the suspension of the constitutional rule, and referred to the committee on roads and public highways.

House bills---

To repeal section 99 of an act entitled "an act to consolidate the several acts of incorporation of the city of Mobile; to alter and amend the same;"

To authorize and empower the commissioners court of Limestone county to build a bridge over the Elk river in said county;

To repeal section 1374 of the Revised Code of Alabama, so far as it relates to Blount county;

To confer upon the chancery courts of the State of Alabama,

jurisdiction and authority to relieve minors of the disability of non-age ;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill--

To amend an act entitled "an act to incorporate the Tuscaloosa Savings Association ;"

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on banks and insurance.

House bill--

To amend section six of an act entitled "An act to authorize the several counties and towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests ;"

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

House bill--

To amend an act entitled "An act to incorporate the female institute of the Tennessee Annual Conference of the Methodist Episcopal church at Athens, Alabama ;"

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on education.

House bill--

To regulate the assessing and collecting of the poll tax in the counties of Henry and Greene ;

Was read and ordered to a second reading.

House bill--

To repeal sub-division one and four, of section 957 of the Revised Code of Alabama ;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Sibley, the bill was amended, by striking out relating to sub-division four ;

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill--

To repeal an act entitled "An act to suppress murder, lynching and assaults and batteries," approved December 26, 1868, so far as it applies to the counties of Madison and Henry ;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Sibley, the bill was amended by striking out the word "Madison."

On motion of Mr. Martin of Russell, the bill was amended, so as to repeal said act as to "Russell county."

On motion of Mr. Bromberg, the bill was still further amended, so as to repeal the act as to "Mobile county."

Thus amended, the bill was referred to the committee on grievances and disabilities.

Senate resolution—

Directing the sergeant-at-arms to bring before this Senate, R. C. Randolph, acting treasurer of the Alabama and Chattanooga railroad, to show cause why he refuses to exhibit to the special committee of the Senate, the books and papers concerning the workings and management of said railroad;

Was called up.

On motion of Mr. Whitney, the resolution was amended, by including H. F. Wheeler, assistant general superintendent of the same railroad.

Thus amended, the resolution was adopted.

Message from the House:

HOUSE OF REPRESENTATIVES, }
January 23, 1872. }

Mr. President:

The House has passed Senate bills as follows—

To prevent the sale of liquor within a mile of the Choccoloco bridge in Talladega county.

For the relief of A. M. Granger.

Supplemental to an act to relieve and regulate the finances of the State.

To prevent the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, within four miles of the Hopewell Baptist Church and the Magnolia Academy in Lowndes county.

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, within two miles of Andrew Chapel in Coosa county.

For the relief of Mrs. Nancy Brown of Troy, Pike county.

To regulate the pay and mileage of jurors and commissioners of Geneva county, and to provide for the payment of the same.

To authorize Mrs. Kansas Murphree of Pike county to make titles to certain lands therein named.

In relation to the bonds and coupons to be issued by Tuscaloosa county for building a bridge across the Warrior river.

And has amended, as therein shown, and passed Senate bills:

To authorize the sheriff of Bullock county to sell property on any Monday in the month.

The House has adopted Senate joint memorial:

To the Congress of the United States to extend the time for selecting swamp and overflowed lands.

Also, Senate joint resolution memorializing the Congress of the United States on the subject of aid by grant of lands to the Mobile & Northwestern Railroad Company.

And has amended, as therein shown, and adopted Senate joint resolution for the removal of political disabilities.

The House has originated and passed bills as follows—

To confer upon the chancery courts of the State of Alabama jurisdiction and authority to relieve minors of the disability of non-age.

To repeal an act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages, approved December 26, 1868, so far as it applies to the counties of Madison and Henry.

To regulate the assessing and collecting of the poll tax in the counties of Henry and Greene.

To repeal subdivision 1 and 4 of sec. 957 of Revised Code.

To amend section 1323 of the Revised Code, so far as it relates to Blount county.

For the relief of the indigent insane.

To incorporate the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church at Athens, Alabama.

To issue a patent to lands therein described to Daniel Carlisle.

For the relief of R. S. Watkins of Franklin county.

To change the voting precinct in Beat No. 13 in the county of Henry.

To amend section 6 of an act entitled An act to authorize the several counties and towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests.

To repeal section 1374 of the Revised Code, so far as it relates to Blount county.

To repeal an act entitled An act to suppress murder, lynching, and assaults and batteries, approved Dec. 28, 1868, so far as the same relates to the county of Dale.

To authorize and empower the commissioners court of Limestone county to build a bridge over Elk River in said county.

To amend an act to prohibit the sale of spirituous or intoxicating liquors of any kind within two miles in any direction of the Clopton Academy in the county of Dale.

And has adopted joint memorial to the Congress of the United States asking relief in certain cases.

Also, joint resolutions on the subject of the swamp and overflowed lands of the State.

And has originated and passed a bill—

To incorporate the town of Waterloo in Lauderdale county.

ELLIS PHELAN,

Clerk House of Representatives.

NON-CONCURRENCE.

Senate refused to concur in the amendment of the House to Senate joint resolution—

For the removal of political disabilities—yeas 10, nays 12.

Those who voted in the affirmative are—

Messrs. Bromberg, Farden, Glass, Johnston, Mabry, Martin of Tuscaloosa, Sanford, Wise, Whitney and Worthy—10.

Those who voted in the negative are—

Messrs. Barr, Coon, Hinds, King, McAfee, Martin of Russell, Oliver, Richards, Royal, Sevier, Sibley and Steward—12.

Senate then adjourned until 10 $\frac{1}{4}$ o'clock to-morrow morning.

THIRTY-SEVENTH DAY.

WEDNESDAY, January 24, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Dr. Petrie, of the Presbyterian Church of this city.

ROLL CALL.

On the call of the roll the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, King, Lambert, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—25.

READING OF JOURNAL.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Whitney—

To raise a fund for the benefit of the fire companies of the city of Montgomery ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the select committee already raised upon that subject.

By Mr. Oliver—

To prevent illegal voting in this State ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. McAfee—

To declare the taking and carrying away fruit, apples, peaches, melons, grapes and all other fruits grown and cultivated in and upon farms, orchards, nurseries, fruit gardens, vineyards, herbaries, botanic gardens, vegetable gardens, plant houses, or from any other places and grounds, the property of another, by any person, a misdemeanor, and punishable with fine and imprisonment, or both, at the discretion of the court trying the same ;

Which bill was read twice forthwith, under suspension of constitutional rule.

On motion of Mr. Mabry, the bill was amended, by striking out the following words: "Or from any other places and grounds."

The bill was then indefinitely postponed—yeas 12, nays 10.

Those who voted in the affirmative are—

Messrs. Foster, Johnston, King, Martin of Russell, Oliver, Richards, Royal, Sanford, Sevier, Steward, Wise and Worthy—12.

Those who voted in the negative are—

Messrs. Barr, Bromberg, Coon, Farden, Glass, Lambert, McAfee, Mabry, Martin of Tuscaloosa and Sibley—10.

By Mr. Wise—

To give validity to the proceedings of the several courts of this State between the 11th day of January, 1861, and the 28th day of September, 1865 :

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Martin of Tuscaloosa—

To enable guardians who reside with their wards in any other of the United States, to rent out the lands of, and receive moneys belonging to, such wards in the State of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Martin of Tuscaloosa—

To amend section 1998 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Bromberg—

To secure the payment of costs in the courts of law in Mobile county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Lambert—

To make certain claims preferred claims in Coosa county ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Foster, the bill was amended by extending its provisions to " Choctaw county."

Thus amended, the bill was read a third time, under a suspension of the constitutional rule, and passed.

By Mr. Glass—

For the relief of William C. McIver, administrator of the estate of Seaborn Jones, deceased ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

Allowing fees and mileage to coroners' jurors ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Stow—

To prevent the selling or giving away of spirituous or

vinous liquors within three miles of Liberty, Midway and Rehoboth Churches in Montgomery county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Foster—

To repeal paragraph 7 of section 436 of the Revised Code;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

To authorize William O. Baldwin, of Montgomery, to take out letters of guardianship of the person and property of William O. Baldwin, a minor, &c. ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Steward—

To repeal a certain act of the Board of Education therein named ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on education.

By Mr. Steward :

To repeal a certain act of the Board of Education therein named ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on education.

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To repeal a certain act of the Board of Education therein named ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on education.

By Mr. Steward :

To repeal a certain act of the Board of Education therein named ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on education.

By Mr. Bromberg—

To repeal an act of the Board of Education of the State of Alabama, entitled " An act to provide for the education of w hite teachers," approved December 20 1871 ;

Which was read twice forthwith, under a suspension of the

constitutional rule, and referred to the committee on education.

By Mr. Martin of Tuscaloosa—

To authorize William Donelson, as guardian of Laura Boddie, a minor, resident with his said ward in the State of Tennessee, to rent out the lands of his said ward, and receive any moneys coming to her in the State of Alabama;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Steward—

To provide against the evils resulting from the sale of intoxicating liquors in the State of Alabama;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

By Mr. Bromberg—

Memorial by the president of the Tennessee and Warrior railroad to the General Assembly of Alabama;

Which was read and referred to a select committee, composed of Messrs. Martin of Tuscaloosa, Oliver and Sibley.

RESOLUTION.

Mr. Farden offered the following resolution;

Which was read and adopted:

Resolved, That the superintendent of Public Instruction be requested to furnish immediately to each Senator, a copy of the Acts and Journal of the board of education of the State of Alabama, for 1871.

Reports of Standing Committees:

ROADS AND PUBLIC HIGHWAYS.

Mr. Whitney, from the committee on public highways, reported favorably to

House bill—

To amend section 1323 of the Revised Code of Alabama, so far as it relates to Blount county;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

ACCOUNTS AND CLAIMS.

Mr. Foster, from the committee on accounts and claims, reported in regard to House bill—

To authorize the sheriff of Choctaw county to sell property, real and personal, on any Monday in any month, after giving the notice required by law ; that the bill—

To amend section 2864 of the Revised Code of Alabama covered the ground proposed.

SPECIAL ORDER.

At 12 o'clock, the special order set for that hour, came up.

Report of Standing Committee :

PUBLIC BUILDINGS AND INSTITUTIONS.

Mr. Worthy, from the committee on public buildings and institutions, submitted the following

REPORT :

Your committee beg leave to report back the joint resolution to them committed, and ask that the same be adopted.

They have carefully considered the subject of the general police regulations as well as the removal of the same from its present site.

We are fully convinced that the existing plan of working convicts outside of the penitentiary on public works, is wrong in principle, and inhumane. We regret that we have no matured plan to submit to the Senate, by which this crying evil may be corrected. We sincerely hope that the joint committee to be raised under this resolution may be more successful than we have been in coming to proper conclusions. That the penitentiary should be removed from its present location, we unhesitatingly recommend.

Respectfully submitted.

A. N. WORTHY, Chairman.

The joint resolution was adopted, and Messrs. Coon, Oliver

and Sibley, were appointed the committee on the part of the Senate.

SPECIAL ORDER.

At 12 o'clock the special order set for that hour came up. Mr. Coon, from the committee on internal improvements, reported favorably, with amendments, to

Senate bill—

Relating to the Selma, Marion and Memphis railroad company.

Mr. Mabry moved to lay the whole subject on the table ;

Which motion was lost.

Yeas 5, nays 19.

Those who voted in the affirmative are :

Messrs. Glass, Johnson, King, Mabry and Oliver—5.

Those who voted in the negative are —

Messrs. Barr, Bromberg, Coon, Farden, Foster, Hinds, Lambert, McAfee, Martin of Russell, Martin of Tuscaloosa, Richards, Royal, Sanford, Sevier, Sibley, Steward, Wise, Whitney and Worthy—19.

Reports from standing committees :

INDUSTRIAL RESOURCES.

Mr. Barr, from the committee on industrial resources, reported favorably, with amendment, to

Senate bill—

Making an appropriation for the purchase of two hundred copies of Hodgson's Manual for 1871.

Said amendment was adopted.

Bill, as amended, was read a third time forthwith, under suspension of the constitutional rule, and lost—yeas 7, nays 15.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Lambert, Steward and Stow—7.

Those who voted in the negative are :

Messrs. Foster, Glass, Hinds, Johnston, King, McAfee, Mabry, Martin of Tuscaloosa, Oliver, Richards, Royal, Sanford, Sevier, Wise and Whitney—15.

REPORT OF A SELECT COMMITTEE.

Mr. Richards, from select committee, reported favorably to House bill—

To authorize and empower John T. Cook, judge of probate of Wilcox county, to complete and perfect the records and minutes of the proceedings of said court, which were left incomplete by his predecessor, James H. Burdick;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At 12½ o'clock the special order set for that hour came up.

Mr. Coon, from the committee on internal improvements, reported favorably, with amendment, to Senate bill—

To create a lien in favor of railroad and telegraph line contractors;

Which amendment was adopted and the bill ordered to a third reading.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
Montgomery, January 24, 1872. }

Mr. President :

The House has originated and passed a bill—

To incorporate the town of Dayton, Marengo county, Ala.

ELLIS PHELAN,

Clerk of the House of Representatives.

Messages from the Governor—

ADJUTANT-GENERAL'S REPORT.

STATE OF ALABAMA, }
Executive Department, }
Montgomery, January 25th, 1872. }

Gentlemen of the Senate :

To the statement and communication from the Adjutant-General, herewith transmitted, I respectfully refer you for the information contemplated by the Senate resolution of the 22d inst.

No orders have been issued for the general organization of the militia of the State.

The distribution of arms, and the organization of volunteer companies, referred to in the Adjutant-General's accompanying report, were made to secure to this department of the State government prompt and efficient aid, when needed, to maintain and execute the laws.

ROB'T B. LINDSAY, Governor.

B ABSTRACT OF ARMS AND ORDNANCE STORES ISSUED.

DATE OF ISSUE.	To Whom Issued.	Gun Appendages.			To correspond.		
		Gun Slings.....			60	70	130
		Privates' Waist Belts.			60	70	130
		Privates' waist belt plates.			60	70	130
		Inf'try cart. box belts.			60	70	130
		Inf'try cart. boxes.			60	70	130
		Privates' waist belt plates, for cadets.			200		
		Privates' waist belts for cadets.			200	200	
		Bayonet scabbards (leather.)			200	200	200
		W. C. O. swords, belts, plates, and frogs.....			35		35
		Cartridges, (metallic).....			4,000	2,000	9,000
		Springfield B. L. Muskets, cal. 50 mod. 68, without bayonets.....			60	70	130
		Springfield B. L. cadet muskets, mod 1869, cal. 50.....			200		200
		Total.....					
Jan. 9, 1772	Gen. G. D. Johnston, Com't Cadets, Tuscaloosa						
Jan. 2, 1872	Capt. J. W. Williams, Mobile.....						
Jan. 5, 1872	Capt. R. M. Sands, Mobile.....						

18 s

A RETURN OF ARMS AND ORDNANCE STORES RECEIVED AND ISSUED.

DATE.	RECEIVED AND ISSUED.	Spencer cartridges....			To correspond.		
		Accountmts for Spencer carbines. No. sets			100	100	100
		Spencer carbines....			100		100
		Gun slings.....			438	438	308
		Privates' waist belt plates.....			438	130	308
		Privates' waist belts..			438	130	308
		Inf'try cart. box belt plates.....			438	130	308
		Inf'try cart. box belts			438	130	308
		Inf'try cart. boxes...			438	130	308
		Privates' waist belt plates, for cadets....			200	200	
		Privates' waist belts for cadets.....			200	200	
		Bayonet scabbards (leather).....			200	200	
		W. C. O. swords, belts, plates and frogs....			35	35	
		Metallic cartridges for muskets.....			21,000	9,000	12,000
		Springfield B. L. muskets, without bayonets mod. 68, cal. 50.			438	130	308
		Springfield B. L. muskets, for cadets, mod. 69, cal. 50.....			200	200	
Nov. 14, 1871	Received at Washington.....						
	Issued as per Abstract.....						
Jan. 23, 1872	Remaining on hand.....						

STATE OF ALABAMA,
HEAD-QUARTERS MILITARY FORCES,
ADJUTANT-GENEDAL'S OFFICE,
Montgomery, Jan. 23d, 1872.

His Excellency Rob't B. Lindsay,
Governor and Commander-in-Chief:

SIR:—I have the honor to communicate the following information, as called for by resolution of the Senate, adopted yesterday and referred to this department:

The arms and ordnance stores to which the State was entitled under the law of Congress for arming the militia, were issued to me at Washington on the 14th day of November last, and have since been received at Montgomery. The arms are of improved model, and all the stores are of the very best quality.

The accompanying tabular statement, marked A, shows the number and character of stores received, issued, and now on hand; the statement marked B to whom issued. Those not issued are deposited at Montgomery, in charge of this department, and are in as good condition as when received.

With reference to the progress made in organizing the militia, I would respectfully state that I have not undertaken any general enrollment of persons subject to military duty, but have taken steps to organize volunteer companies at the following points, to-wit:

At Mobile,	2	companies of infantry,	130	stands arms.
Montgomery,	2	"	"	128
Huntsville,	1	"	"	60
Eufaula,	1	"	"	60
Selma,	1	"	"	60
Demopolis,	1	troop of cavalry,	50	"
Livingston,	1	"	"	50

Total.....538

The companies at Mobile and Montgomery are already organized, and those at Mobile have received arms, as indicated in statement preceding. The commanders of the two companies at Montgomery have also reported their organizations as perfect, and have been notified from this department that their quota of arms is ready for delivery.

The four companies organized are commanded as follows:

1st company, at Mobile,	by Capt. R. M. Sands.
2d " "	" P. Williams, jr.
1st " Montgomery,	" C. T. Pollard, jr.
2d " "	" Wm. B. Jones.

I have addressed communications to gentlemen who were suggested by prominent citizens from the sections of the State in which they respectively reside, requesting them to effect organizations in conformity to law, at the other points named above, and report to this department, assuring them that arms and accoutrements will be issued, as soon as said organizations shall be perfected.

The material composing these organizations will be the best in the State, a majority of the officers having seen service, and the rank and file being chiefly young men, sons of the best citizens of Alabama.

The organizations above referred to will be composed of white men.

I have the honor to be, Governor,

Very respectfully, your obedient servant,

WM. W. ALLEN,
Adjutant-General.

Reports of standing committees :

JUDICIARY.

Senate resumed consideration of House bill—

To establish a criminal court in the county of Bullock, with criminal and civil jurisdiction ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, resumed consideration of House bill—

To abolish the county court of Bullock county ;

Which bill was indefinitely postponed.

Mr. McAfee, from the judiciary committee, reported favorably to House bill—

To amend sections 1756 and 1757 of the Revised Code of Alabama ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendment, to House bill—

To incorporate the J. H. Clanton Hook and Ladder Company of Union Springs, Alabama ;

Which amendment was adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported adversely to House bill—

To repeal sections 1401, 1407, 1408 and 1409 of the Revised Code ;

Which bill was recommitted to the same committee ;

Also, from the same committee, reported adversely to House bill—

To amend section 3306 of the Revised Code of Alabama ;

Which adverse report was concurred in.

Also, from the same committee, reported adversely to House bill—

For the relief of the board of regents ;

Which adverse report was not concurred in.

Yeas 11, nays 12.

Those who voted in the affirmative are :

Messrs. Bromberg, Coon, Foster, McAfee, Oliver, Richards, Sanford, Sibley, Wise, Whitney, and Worthy—11.

Those who voted in the negative are :

Messrs. Barr, Farden, Glass, Johnston, King, Lambert, Mabry, Martin of Tuscaloosa, Royal, Sevier and Steward—12.

Bill was ordered to a third reading.

Senate adjourned until 10½ o'clock to-morrow morning.

THIRTY-EIGHTH DAY.

THURSDAY, January 25, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Petrie of this city

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass,

Hinds, Johnston, King, Lambert, McAfee, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—27.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Sibley—

For the relief of the tax collector of Madison county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

To prevent the sale of spirituous liquors within two miles of Hickory Bend church, in Montgomery county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Foster—

To fix the time of holding the courts in the 7th judicial circuit ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

To incorporate the Clayton Hook and Ladder Company No. 1 of Clayton, Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Worthy, the bill was amended by extending its provisions to the Hook and Ladder company of Troy, Pike county ;

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

Fixing the salaries of certain State officers therein named ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on fees and salaries.

By Mr. Bromberg—

For the support of the State library ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Bromberg, the bill was amended by filling the blank with \$500.

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Yeas 22, nays 0.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Johnston, King, Lambert, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Richards, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Worthy—22.

Mr. Stow, with leave, called up

Senate bill—

To relieve Daniel W. Hall of the disabilities of minority ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

TEMPORARY CLERK ALLOWED.

On motion of Mr. Whitney,

The Secretary of the Senate was authorized to employ a temporary clerk during the illness of Mr. Whiting, Assistant Secretary.

SPECIAL ORDER.

At 11 o'clock, the special order set for that hour came up.

REPORT OF A SELECT COMMITTEE.

Mr. Whitney, from select committee, reported favorably, with amendment, to

House bill—

Authorizing and requiring the Auditor to draw his warrant on the State Treasurer to pay for legal services rendered the State by the late Gen. J. H. Clanton.

Second amendment of the committee was adopted.

Mr. Oliver offered a substitute for the bill ;

Which was read.

Mr. Worthy moved to lay the substitute on the table ;

Which motion was lost ;

Yeas 9, nays 13.

Those who voted in the affirmative, are—

Messrs. Barr, Bromberg, Farden, McIntosh, Martin of Russell, Martin of Tuscaloosa, Pennington, Steward, Whitney and Worthy—9.

Those who voted in the negative are—

Messrs. Foster, Glass, Johnston, King, McAfee, Mabry, Oliver, Richards, Royal, Sanford, Sevier, Sibley and Wise—13.

The substitute was then adopted ;

Yeas 16, nays 9.

Those who voted in the affirmative are :

Messrs. Coon, Farden, Foster, Glass, Johnston, King, Lambert, Mabry, Martin of Russell, Oliver, Richards, Royal, Sanford, Sevier, Sibley and Wise—16.

Those who voted in the negative are :

Messrs. Barr, Bromberg, McAfee, McIntosh, Martin of Tuscaloosa, Pennington, Steward, Whitney and Worthy—9.

On motion of Mr. Coon,

The substitute was amended as follows :

“Such a sum as he may, in his judgment, consider proper and equitable,” before the words, “not exceeding.”

Bill was then read a third time forthwith, under suspension of the constitutional rule, and passed.

Yeas 23, nays 2.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Coon, Farden, Glass, Johnston, King, Lambert, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Wise, Whitney and Worthy—23.

Those who voted in the negative are—

Messrs. Foster and McAfee—2.

Mr. Worthy moved to reconsider said vote;

Which motion was laid on the table.

PROTEST.

Mr. McAfee presented the following protest,

Which was ordered to be spread on the journal :

PROTEST AS TO THE CLAIM OF STONE, CLOPTON & CO.

Mr. President :

I object and protest against the passage of the appropriation of ten thousand dollars to the widow and children of the

honored deceased, J. H. Clanton, for the following reasons, viz :—

1. It will not effect a discharge of the debt against the State of Alabama;—the legal representative of the estate of decedent can recover the debt again for distribution amongst creditors if there be any.

2. The Attorney General, the law officer of the State, should have been employed by the Governor, which the Governor did not do.—See his special message “in regard to the employment of counsel for the State,” &c. ; 9th Div. 1871, Art. 5, Revised Code Ala., p. 112 ; Art. 6, sec. 16, Rev. Const. Ala.

3. Ten thousand dollars, as the maximum sum, is too much money to be appropriated to one law firm, there having been six other law firms employed to represent the interest of the State—(Governor’s message, *supra*); it is an intolerable burden of taxation devolving upon the burdened tax payers of Alabama, and disproportioned to the services rendered.

4. It unduly discriminates between the family of the deceased and many thousand (not less worthy) widows and *orphans* of other deceased citizens and unfortunate soldiers of Alabama who have been sent to their long homes, leaving their wives and children in distressed circumstances.

5. If this is a *gift*, and not a debt, it is unauthorized without ordered and passed by a two-thirds vote of both houses. See art. 4, sec. 31 Cons. Ala. “No money shall be drawn from the treasury, but in pursuance of an appropriation made by law;” nor “any money, credit, or other thing be loaned or given away, except by a like concurrence of each house ; and the votes shall, in each case, be taken by the yeas and nays, and be entered on the journal”—two-thirds vote is required.—Art. 4, sec. 31 and 32.

6. This bill has passed by a less vote than a vote of a two-thirds majority of this Senate.

7. There were attorneys employed to protect the interests of Alabama as to the State and Alabama & Chattanooga Railroad :—

1. Stone, Clopton & Clanton.
2. Watts & Troy.
3. The distinguished Pettus of Selma.
4. Col. John Baxter of Knoxville, Tennessee.
5. Messrs. Nesbit & Jackson of Georgia.
6. William Dougherty, Esq. “
7. Another attorney of Mississippi, \$500.

All which are unwarranted extravagance and negligence in not stipulating fees, and thereby failing to protect the interest of the State by leaving the question of compensation an open one. ("No fees were stipulated."—Governor's message, *supra*.)

7. A payment is ordered in this bill to be made to Mrs. C., and she, by this act, is created trustee to receive and appropriate the same, contrary to the statute of distributions of Alabama, and in derogation of the rights of the creditors of the decedent—all which are illegal and does not discharge the State from the payment of such part of said indebtedness due the deceased to his legal representatives, or shall hereafter be found to be due.

8. The recital of facts in an act, &c.—(but where the facts concern the rights of individuals, the legislature cannot adjudicate upon them.) This is legislative adjudication and an attempted settlement of the claim of Gen. C. against the State, and wholly unauthorized.—See Cooley's Constitutional Limitations, pp. 96 and 95.

9. This is a judicial and not a legislative act.—Cooley's Constitutional Limitations, pp. 90, 91, 92, as to the appointment of a trustee and the creation of a trust.

Respectfully submitted,

G. T. McAFEE.

REPORTS OF A SELECT COMMITTEE.

Mr. Lambert, from select committee, reported a substitute for Senate bill—

To encourage the publication of a new edition of Professor Tuomey's first report on the geology of Alabama :

Which substitute was adopted :

Bill was then read a third time forthwith, under suspension of the constitutional rule, and passed.

RETURNED TO THE GOVERNOR.

A message from the Governor recommending certain appointments, was returned to him at his own request.

Message of the Governor relative to the arms received from the United States Government, and also as to the militia of the State ;

Was read, and 150 copies ordered to be printed.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
January 25, 1872. }

Mr. President :

The House has originated and passed bills as follows :

To prohibit fishing in any artificial pond or lake in this State, without the consent of the owner or owners thereof ;

To authorize Harriet Billingslea to administer upon the estate of Robert J. Glenn ;

To amend an act contained in section 3688 of the Revised Code, to protect children under twelve years of age from decoy and seizure ;

To amend section 3734 of the Revised Code ;

To amend section 3706 of the Revised Code ;

To provide for the payment of juries of inquest summoned by coroners ;

For the relief of Messrs. Graham, Abercrombie and Geo. W. Gunn ;

To amend section 3813 of the Revised Code ;

Joint resolution to provide for the payment of expenses incurred by a member of the committee appointed by the House of Representatives at the last session of the General Assembly to visit the Alabama institution for the deaf and dumb and the blind, and the freedman's hospital, at Talladega ;

For the relief of A. J. Skaggs, of Talladega county ;

To allow coroner's mileage ;

To declare Persimmon creek, in Butler county, a public highway ;

To repeal an act to change and establish the line between the counties of Jackson and DeKalb, approved March 3d, 1870 ;

To repeal an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties ;

To repeal an act entitled an act to repeal an act to authorize writs of garnishment against incorporated cities, towns and villages ;

To repeal an act to amend sections 4377 and 4390 of the Revised Code, approved October 10, 1868 ;

To allow prosecutors to have counsel in criminal cases, who shall be leading counsel in such cases ;

To authorize judges of probate to change the names of persons applying therefor ;

For the benefit of plaintiffs in attachments.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
January 25, 1872. }

Mr. President :

The House has originated and passed the following bills :

To repeal acts to regulate the publication of legal and other notices, approved August 12th, 1868. and October 10th, 1868, so far as the same relates to the counties of Dallas and Jefferson ;

To amend section 2998 of the Revised Code ;

To fix the time of holding the courts in the fourth judicial circuit ;

To amend section 3996 of the Revised Code of Alabama.

ELLIS PHELAN,
Clerk House of Representatives.

SPECIAL ORDER.

At 1 o'clock the special order set for that hour came up.

REPORT OF A SELECT COMMITTEE.

Mr. Lambert, from select committee on Senate bill—

For the relief of the widows in Alabama, created by the late war, asked and obtained leave until 12 o'clock on Monday next to make his report,

For which hour the bill was made special order.

Report of standing committee :

INTERNAL IMPROVEMENTS.

Mr. Coon, from the committee on internal improvements, reported favorably to Senate bill—

To ratify and confirm a subscription by the county of Dallas county to the capital stock of the Selma and Gulf Railroad Company ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Yeas 20, nays 2.

Those who voted in the affirmative are—

Messrs. Bromberg, Coon, Farden, Foster, Glass, King, Lambert, McIntosh, Martin of Russell, Martin of Tuscaloosa, Oli-

ver, Pennington, Richards, Sanford, Sevier, Sibley, Steward, Wise, Whitney and Worthy—20.

Those who voted in the negative are—

Messrs. McAfee and Mabry—2.

Also, from the same committee, reported favorably to Senate bill—

To amend an act incorporating the Selma, Marion & Memphis Railroad Company;

Mr. Oliver moved to strike out all in the bill exempting the road from taxation for fifteen years.

The bill was made the special order for 12 o'clock on Saturday next.

Senate adjourned until 10½ o'clock to-morrow morning.

THIRTY-NINTH DAY.

FRIDAY, January 26, 1872.

Senate met pursuant to adjournment.

Prayer by Rev. Dr. Petrie of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, King, Lambert, McAfee, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Wise, Whitney and Worthy—24.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To incorporate the town of Dayton, Marengo county;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bills—

To allow prosecutors to hire counsel in criminal cases, who shall be leading counsel in such cases ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

For the relief of N. J. Skaggs of Talladega county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To amend section 2998 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To fix the time of holding the courts in the fourth judicial circuit ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To amend an act contained in section 3688 of the Revised Code of Alabama, to protect children under twelve years of age from decoy or seizure ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To amend section 3734 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To repeal an act entitled " An act to repeal an act to authorize writs of garnishment against incorporated cities, towns and villages ;"

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To repeal an act entitled " An act to amend sections 4377 and 4390 of the Revised Code," approved October 10, 1868 ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To authorize judges of probate to change the names of persons applying therefor ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

For the benefit of plaintiffs in attachments ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To amend section 3694 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To amend section 4397 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To repeal section 1374 of the Revised Code of Alabama, so far as the same relates to the county of Randolph ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To regulate business in the circuit courts of this State ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

In regard to the competency of witnesses ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To regulate the courts of the northern chancery division, so as to allow causes to be submitted for final hearing in vacation ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To provide for the registration of deeds of conveyance in certain cases ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

To amend section 2660 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bills—

To amend section 3996 of the Revised Code of Alabama ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

To authorize Harriet Billingslea to administer upon the estate of Robert J. Glenn, deceased ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

To provide for the payment of juries of inquest summoned by coroners ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

To provide for the payment of expenses incurred by a member of the committee appointed by the House of Representatives at the last session of the General Assembly, to visit the Alabama institution for the deaf and dumb and blind, and the freedmen's hospital at Talladega ;

Which bill was read a three times forthwith, under suspension of the constitutional rule, and passed.

To allow coroner's mileage ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

To fix the times of holding the circuit courts in the fifth judicial circuit ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

To prohibit the sale of spirituous liquors within two miles of Fairmount church and the Adkinson school house, in the county of Covington ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

To fix the time of holding the circuit court of Baldwin county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To repeal an act entitled an act for the relief of certain school officers, so far as it relates to the county of Washington.

House bill—

To fix the time of holding the chancery court for the first district of the Western Chancery Division of Alabama.

House bill—

To amend section 3046 of the Revised Code of Alabama.

House bill—

To remove the administration of the estate of George O. Ragsdale from Franklin county to Madison county.

House bill—

To provide an additional term of the chancery court for the 5th district of the Middle Chancery Division, composed of the county of Bibb.

House bill—

To provide an additional term of the chancery court for the third district of the Eastern Chancery Division, composed of the county of Randolph.

House bill—

To repeal an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868; and an act amendatory thereof, approved October 10, 1868, so far as they relate to the counties of Dallas and Jefferson;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Oliver, the bill was amended by striking out Jefferson county.

Thus amended, the bill was referred to the committee on printing.

House bill—

To prohibit fishing in any artificial pond or lake in this State without the consent of the owner or owners thereof;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

House bill—

To amend section 3706 of the Revised Code of Alabama;

Was read twice forthwith, under suspension of the constitutional rule.

Mr. Lambert moved to indefinitely postpone the bill;

Which motion was lost.

On motion of Mr. Farden, the bill was amended by striking out "twenty dollars" and inserting "one hundred dollars."

Bill was then ordered to a third reading.

House bill—

For the relief of Graham Abercrombie and George W. Gunn;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on appropriations.

House bill—

To amend section 3813 of the Revised Code of Alabama;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the select committee on the penitentiary.

House bill—

To declare Persimmon Creek, in Butler county, a public highway ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on roads and public highways.

House bill—

To repeal an act to change and establish the line between the counties of Jackson and DeKalb, approved March 3, 1870 ;

Was read twice forthwith, under suspension of the constitutional rule, and ordered to a third reading.

House bill—

To repeal an act entitled an act to require the courts of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties ;

Was read twice forthwith, under suspension of the constitutional rule, and indefinitely postponed.

House bill—

For the relief of the board of regents ;

Was read a third time.

Bill was recommitted to a select committee composed of Messrs. Farden, Martin of Tuscaloosa, and Worthy.

House bill—

To regulate the assessing and collecting the poll tax in the counties of Henry and Greene ;

Was read a second time.

On motion of Mr. King, the bill was amended by including the "county of Dale."

On motion of Mr. Martin of Russell, the bill was further amended by including the "county of Russell."

On motion of Mr. Sibley, the "county of Madison" was included.

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend section 1833 of the Revised Code of Alabama ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on banks and insurance.

House bill—

To repeal an act entitled "An act to amend an act to regulate the publication of legal notices," approved October 10, 1868 ;

Was read twice forthwith, under suspension of the constitutional rule, and laid on the table.

House bill—

To repeal sections 2061 and 2062 of the Revised Code of Alabama;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

House bill—

To repeal section 73 of the Revised Code of Alabama;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on fees and salaries.

Report of a standing committee:

MUNICIPAL AND COUNTY ORGANIZATIONS.

Mr. Sanford, from the committee on municipal and county organizations, reported favorably, with amendment, to

House bill—

To incorporate the town of Dayton, Marengo county;

Which amendment was adopted.

The bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and passed.

SUBSTITUTION.

On motion of Mr. Pennington—

Mr. Barr was substituted for Mr. Mabry as a member of the joint select committee on the Agricultural College.

House bill—

To exempt from administration property of decedents and vest title in the widow, or child or children;

Was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Farden, Martin of Tuscaloosa and Worthy, with instructions to report at 1 o'clock on Tuesday next, for which hour it was made special order.

House bill—

To regulate the buying of lottery tickets in this State;

Was read twice forthwith, under suspension of the constitutional rule.

Mr. Oliver moved to indefinitely postpone the bill;

Which motion was lost ;

Yeas 7, nays 16.

Those who voted in the affirmative are—

Messrs. Barr, Martin of Russell, Oliver, Pennington, Royal, Wise and Whitney—7.

Those who voted in the negative are—

Messrs. Bromberg, Coon, Farden, Foster, Glass, Johnston, King, Lambert, McAfee, Martin of Tuscaloosa, Richards, Sanford, Sevier, Sibley, Steward and Worthy—16.

Bill was ordered to a third reading.

CONCURRENCE.

Senate concurred in the amendment of the House to Senate bill—

To authorize the sheriff of Bullock county to sell property on any Monday in the month.

ORDER TO PRINT.

On motion of Mr. Whitney,

The select committee in relation to the Alabama and Chattanooga Railroad was instructed to have 2000 copies of their report, including the evidence, printed.

RESOLUTION.

Mr. King offered the following resolution :

Resolved, That in view of the large amount of unfinished business now in the possession of the committee on the judiciary, it is proper that the session of Monday be extended from 7 P. M. to 10 P. M., to enable that committee to dispose of its reports ;

Which was read and laid over.

NIGHT SESSION.

On motion of Mr. Farden,

The Senate decided to hold a session on Monday night next.

Messages from the House:

HOUSE OF REPRESENTATIVES, }
January 26, 1872. }

Mr. President :

The House has originated and passed bills as follows :

To repeal an act entitled An act to amend an act to regulate the publication of legal notices, approved October 10th, 1868.

To amend section 2660 of the Revised Code.

To regulate the buying of lottery tickets in this State.

To provide an additional term of the chancery court for the third district of the eastern chancery division, composed of the county of Randolph.

To provide for the registration of deeds of conveyance in certain cases.

To regulate the courts of the northern chancery division, so far as to allow causes to be submitted for final hearing in vacation.

To exempt from administration property of decedents and vest title in the widow, or child, or children.

In regard to the competency of witnesses.

To provide for an additional term of the chancery court for the 5th district of the middle chancery division, composed of the county of Bibb.

To remove the administration of George D. Ragland from Franklin to Madison county.

To repeal section 73 of the Revised Code.

To amend section 3046 of the Revised Code.

To fix the time of holding the chancery court for the first district of the western chancery division of Alabama.

To repeal an act entitled "An act for the relief of certain school officers," so far as it applies to the county of Washington.

To fix the time of holding the circuit court of Baldwin county.

To fix the time of holding the courts in the 5th judicial circuit.

To repeal sections 2061 and 2062 of the Revised Code.

To amend section 1833 of the Revised Code.

To regulate business in the circuit courts of this State.

To repeal section 1374 of the Revised Code, so far as the same relates to the county of Randolph.

To amend section 4397 of the Revised Code.

To amend section 3694 of the Revised Code.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
January 26, 1872. }

Mr. President :

The House has originated and passed bill :

To prohibit selling of spirituous liquors within two miles of Fairmount Church and the Atkinson School in the county of Covington.

ELLIS PHELAN,
Clerk House of Representatives.

Reports of Standing Committees.

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported favorably, with amendment, to House bill—

To remove the administration of the estate of Sydenham Moore, de-ceased, from the probate court of Greene county into the probate court of Mobile county ;

Which amendment was adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendment, to House bill—

For the relief of Mrs. Catherine Norton ;

Which amendment was adopted, the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported adversely to House bill—

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Blount, Talledega, Clay, Coosa and Tallapoosa, approved March 8, 1871 ; and to repeal an act to amend an act entitled an act to regulate the publication of legal and other notices in the State of Alabama, approved October 10, 1868, so far as it relates to the county of Tallapoosa ;

Which adverse report was not concurred in, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

To remove the administration of the estate of James W.

Powers, deceased, from the county of Wilcox to Butler county;

Which bill was read third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported adversely to House bill—

To increase the pay of witnessess in attendance upon the courts of Greene county, except justices' courts;

Which adverse report was concurred in.

Also, from the same committee, reported adversely to House bill—

To repeal chapter seven of title three of part four of the Revised Code;

Which adverse report was concurred in.

RESOLUTION.

Mr. Sibley offered the following resolution, which was read and adopted

Resolved, That the committee on judiciary have leave to print 150 copies of the bill to be entitled "An act to secure liens to mechanics, laborers and others," together with their report upon the same, should said committee deem it expedient to do so.

Mr. McAfee, from the judiciary committee, reported adversely to House bill—

To define and restrict the operation of the exemption laws of Alabama.

* Pending consideration of said report,

Senate then adjourned until 10½ o'clock to-morrow morning.

FORTIETH DAY.

SATURDAY, January 27, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Lambert of the Senate.

ROLL CALL.

On the call of the roll, the following Senators answered to their names.

Messrs. Bromberg, Coon, Farden, Glass, Johnston, King, Lambert, McAfee, Martin of Russell, Martin of Tuscaloosa, Oliver, Richards, Royal, Sanford, Sibley, Wise, Whitney and Worthy—18.

READING OF JOURNAL.

Journal of yesterday was read and approved.

NOTICE TO RECONSIDER.

Mr. Oliver gave notice that he would move to reconsider the vote concurring in the adverse report of judiciary committee to House bill—

To increase the pay of witnesses in attendance upon the courts of Greene county, except justices' courts.

BILLS INTRODUCED.

By Mr. Farden—

Appointing commissioners to take charge of the interest of the Alabama and Chattanooga railroad;

Which bill was read twice forthwith, under suspension of the constitutional rule, 150 copies being ordered to be printed, and referred to the committee on internal improvements.

By Mr. Farden—

To establish the city court of Demopolis;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Farden—

To prevent the use of slung shots and brass knuckles;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Coon—

To enforce the rights of citizens of this state to vote in the several counties, cities, townships, school districts, municipalities or other territorial subdivisions of the same;

Which bill was read twice forthwith, under suspension of

the constitutional rule, and referred to the committee on privileges and elections, and 150 copies ordered to be printed.

By Mr. Bromberg—

A petition, which was referred to the committee on grievances and disabilities.

By Mr. Lambert—

To amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads in the State;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sibley—

For the relief of Martha V. Lane, of Madison county;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

For the relief of Rabun Susan Stow, of Barbour county;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Reports of standing committees:

EDUCATION.

Mr. Richards, from the committee on education, reported favorably to House bill—

To amend an act to incorporate the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal church, at Athens, Alabama;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to House bill—

To secure to the several counties of the State their proportional share of the common school money.

Fifty copies were ordered to be printed.

Also, from the same committee, reported favorably to Senate bill—

To repeal an act of the board of education of the State of Alabama, entitled "An act to provide for the education of white teachers," approved December 20, 1871;

Which bill was made special order for 12 o'clock on Wednesday next.

Also, from the same committee, reported four substitutes for four Senate bills—

To repeal acts of the board of education.

Said substitutes were severally adopted, and made special orders for 12 o'clock on Wednesday next.

Also, from the same committee, returned to the Senate sundry resolutions;

Which were referred to a select committee composed of Messrs. Sibley, Coon, Farden, Lambert and Bromberg, with like powers and duties as the standing committees.

FINANCE AND TAXATION.

Mr. Sanford, from the committee on finance and taxation, reported favorably to House bill—

To extend the time for assessing the taxes in Morgan county;

On motion of Mr. Martin of Tuscaloosa, the bill was amended by extending its provisions to the counties of Tuscaloosa, Fayette and Sanford;

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

MUNICIPAL AND COUNTY ORGANIZATIONS.

Mr. Sanford, from the committee on municipal and county organizations, reported favorably, with amendment, to the House bill—

To incorporate the town of Gordon, in Henry county;

Which amendment was adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendment, to House bill—

To incorporate the town of Youngsville, Tallapoosa county;

Which amendment was adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendment, to House bill—

To incorporate the town of Georgiana, in Butler county;

Which amendment was adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendments, to House bill—

To incorporate the town of Somerville, in Morgan county;
Which amendments were adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendment, to House bill—

To incorporate the town of Attala, in the county of Etowah;
Which amendment was adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to the House bill—

To change the line between the counties of Tallapoosa and Lee;

Which bill was ordered to a third reading.

Also, from the same committee, reported favorably to the House bill—

To change the boundary line between Lee and Tallapoosa counties, so as to include the northeast quarter of section 14, and the east half of section 15, township 20 of range 24, in Lee county;

Which bill was ordered to a third reading.

Also, from the same committee, reported favorably to the House bill—

To change the boundary line between the counties of Bullock and Barbour;

Which bill was ordered to a third reading.

GRIEVANCES AND DISABILITIES.

Mr. Oliver, from the committee on grievances and disabilities, reported adversely to House bill—

To repeal an act entitled "An act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages, approved December 26, 1868, so far as it applies to the counties of Madison and Henry;

Which adverse report was concurred in.

Also, from the same committee, reported adversely to the Senate bill—

To provide against the evils resulting from the sale of intoxicating liquors in the State of Alabama;

Which adverse report was concurred in.

BANKS AND INSURANCE.

Mr. Oliver, from the committee on banks and insurance, reported favorably to House bill—

To amend section three of an act to incorporate the Gulf City Insurance Company ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At 12 o'clock the special order set for that hour came up, it being the Senate bill—

To amend an act incorporating the Selma, Marion & Memphis Railroad Company ;

Consideration of which was postponed, and made special order for 11 o'clock on Monday next.

Reports of standing committees :

APPROPRIATIONS.

Mr. Whitney, from the committee on appropriations, reported favorably to House bill—

For the relief of Messrs. Graham, Abercrombie and Geo. W. Gunn ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

ROADS AND PUBLIC HIGHWAYS.

Mr. Whitney, from the committee on roads and public highways, reported favorably to House bill—

To declare Persimmon creek, in Butler county, a public highway ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

REPORT OF A SELECT COMMITTEE.

Mr. Oliver, from select committee, reported a substitute for Senate bill—

To authorize George W. Moore to practice medicine in this State ;

Which substitute was adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Senate resumed consideration of the adverse report of the judiciary committee to House bill—

To define and restrict the operation of the exemption laws of Alabama.

Messages from the House—

HOUSE OF REPRESENTATIVES, }
January 27, 1872. }

Mr. President :

The House has originated and passed the following bills :

To repeal all special and local acts in relation to the publication of legal and other notices, so far as they relate to the county of Jefferson ;

To amend sections 3514, 3515, 3517, 3518 of the Revised Code.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
January 27, 1872. }

Mr. President :

The House has originated and passed bills as follows :

To prohibit the sale of liquors within one mile of Spring Hill Academy, in Pickens county ;

To authorize Mrs. Jane Hamilton, of Sanford county, to sell certain lands therein mentioned ;

To amend section 2960 of the Revised Code ;

To authorize Wm. A. Walker, jr., administrator of the estate of Richard B. Walker, deceased, to sell the lands of said estate and the dower interest of Mary M. Walker, widow of said decedent, at private or public sale, without an order of court ;

To repeal an act to suppress murder, lynching and assaults and batteries, so far as relates to the counties of Mobile and Pike ;

To authorize John C. Morrow, probate judge of Jefferson county, to take jurisdiction of the estate of Richard B. Walker, deceased, late of said county ;

To incorporate the town of Abbeville, in the county of Henry ;

To amend section 3705 of the Revised Code ;

To authorize Isaac M. Johnson, guardian of John A. Lowe and William A. Lowe, to sell the lands belonging to his said wards, without making application, proof, and obtaining an order of sale ;

To protect estates and purchasers in sales of property by executors, administrators, guardians and trustees;

To ratify certain acts, judgments, and other proceedings therein mentioned;

To authorize the mayor of Mobile to take cognizance of and try cases of misdemeanor;

To amend section 1084 of the Revised Code;

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as it relates to the county of Madison;

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as the same relates to the counties of Marshall and Butler;

To establish an election precinct in the county of Marengo, to be known as Nixon's Store;

To repeal an act to suppress murder, lynching and assaults and batteries, so far as it relates to the counties of Limestone, Cherokee and Lauderdale;

To authorize Conner J. Knight, John Little and Zack Davis, citizens of Butler county, to erect gates across the public road leading from the Greenville and Elm Bluff road, in said county, to the county line between the counties of Butler and Lowndes.

ELLIS PHELAN,
Clerk House of Representatives.

Veto message from the Governor —

EXECUTIVE DEPARTMENT, }
Montgomery, Jan. 27th, 1872. }

Gentlemen of the Senate and House of Representatives :

I return without my approval, a bill originating in the Senate, "to be entitled an act supplemental to an act to relieve and regulate the finances of the State." The bill is not only defective and inefficient in its structure, but if it become a law would cause great inconvenience and expense, I am sure not anticipated by the General Assembly.

The act of December 15th, provides for the sale of bonds and from the proceeds thereof directs the payment of a large amount due in the city of New York. The bonds will be negotiated and sold in that city by the financial agents of the State.

The bill returned, provides that the proceeds of the bonds shall be "paid" into the treasury. This would require our

financial agents to incur great risk, expense and delay in transmitting upwards of five hundred thousand dollars from New York to Montgomery, to be returned at similar risk, delay and expense.

This is not a profitable formality and not at all necessary to the protection of the State.

The routine of the execution of the bonds to be sold is ample security against danger. When signed and sealed and registered, they are delivered by the auditor to the treasurer, and by the treasurer to the financial agents for sale. The financial agents are bonded officers, and the responsibility seems to be complete, so far as law can make it.

An act requiring the proceeds to be certified into the treasury instead of paid would effect the end sought to be attained without embarrassment to fiscal operations.

ROB'T B. LINDSAY, Governor.

Said message was made special order for 12 o'clock m., Monday next.

Which adverse report was concurred in ;

Yeas 13, nays 5.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Glass, Hinds, Johnston, McAfee, Martin of Russell, Richards, Sanford, Sibley, Wise, Whitney and Worthy—13.

Those who voted in the negative are:

Messrs. Bromberg, King, Lambert, Martin of Tuscaloosa and Oliver—5.

RESOLUTION.

Mr. Sibley offered the following resolution,

Which was adopted:

Resolved, That the Governor be requested to transmit to this Senate a certified copy of the tabular statement contained in the report of the commissioners appointed by his excellency to examine into the books, accounts, vouchers, &c., of the several State departments for the year ending September 3d, 1871; and which Mr. John A. Graham, one of the said commissioners, has informed the speaker of the House of Representatives, forms the most important portion of the said report of the said commissioners, and which is not contained in the said report as transmitted to the Senate by his excellency the Governor.

Senate adjourned until 10½ o'clock Monday morning,

FORTY-FIRST DAY.

MONDAY, January 27, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Dr. Gwin, of the first Baptist church of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Bromberg, Coon, Farden, Glass, Johnston, Jones, King, Lambert, McAfee, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Whitney, Worthly and Yordy—22.

READING OF THE JOURNAL

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Sevier—

To change the line between the counties of Franklin and Colbert :

Which bill was read twice forthwith, under suspension of the constitutional rule, and ordered to a third reading.

By Mr. Sevier—

To repeal section 3617 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and ordered to a third reading.

By Mr. Whitney—

To establish a bureau of insurance ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Whitney, Pennington and Farden.

By Mr. Sevier—

To declare certain persons therein named free dealers ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mahan—

To authorize Mrs. Lydia J. Holt to sell certain lands therein described ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Martin of Tuscaloosa—

For the better protection of enclosures and landed estates ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Lambert—

To authorize Martha Pickard to sell or exchange for other lands, certain lands which belonged to Oscar Pickard at the time of his death ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Pennington—

To amend section 1721 of the Revised Code of Alabama ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Stow—

To amend section 4 of an act to establish public pounds in Montgomery county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Jones—

To authorize the secretary of State to issue a patent to William L. Bailey ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. King—

To authorize the removal of the guardianship of W. A. Gholson, to the probate court of Bullock county ;

Which bill was read three times forthwith, under suspension of the constitutional rule and passed.

By Mr. Stow—

To amend section seven of an act to abolish fencing in certain portions of Montgomery county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Worthington—

To enable and require receivers of railroads to discharge the duties required of them by law ;

Which bill was read twice forthwith, under suspension of the constitutional rule, 150 copies ordered to be printed, and referred to a select committee, composed of Messrs. Worthy, Oliver, Lambert, Miller and Bromberg.

By Mr. Worthy—

To repeal sections 3931, 3935, 3936, 3937, 3938 and 3939, of the Revised Code, so far as the same relates to Covington county ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Jones—

The bill was amended, by extending its provisions to Ma-
rengo county.

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

For the relief of fruit and sugar cane distillers ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. McKinstry—

To repeal an act therein named ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

SPECIAL ORDER.

At 11 o'clock, the special order set for that hour, came up, it being,

Senate bill—

To amend an act incorporating the Selma, Marion and Memphis railroad company.

On motion of Mr. Oliver, the second section was stricken out ;

Bill was then laid on the table for the present.

At 12 o'clock, the first special order set for that hour came up, it being,

REPORT OF A SELECT COMMITTEE.

Mr. Lambert, from select committee, reported favorably to

Senate bill—

For the relief of the widows in Alabama, created by the late war.

Mr. Sevier moved to amend as follows :

Provided further, That each widow shall have in addition, 100 pounds of sugar, 100 pounds of coffee, 1000 pounds of bacon, and other things necessary to live, in proportion ; and the sympathies of the human race generally, especially those of the Senator from Coosa, and a pew in church free ; and that the Senator from Coosa be allowed to preach an annual sermon in commemoration of the passage of this act ;

Which amendment was read and laid on the table.

Mr. Sibley moved to amend section two, by adding the following words :

“Or that he came to his death from wounds received in the war or from disease contracted in the military service, although he might not have died until after the close of hostilities ;”

Which amendment was read and adopted.

Sundry other amendments were offered, which, with the bill, were recommitted to the same committee, with instructions to report at 12 o'clock on Thursday next, for which hour, it was made special order.

The other special order set for 12 o'clock, then came up, it being

Senate bill—

Supplemental to an act to relieve and regulate the finances of the State, vetoed by His Excellency the Governor.

The question being, “shall the bill pass, notwithstanding the veto of the Governor?”

Senate refused to pass the bill.

Yeas 9, nays 12.

Those who voted in the affirmative, are—

Messrs. King, Lambert, Martin of Tuscaloosa, Oliver, Richards, Sanford, Sevier, Whitney and Yordy—9.

Those who voted in the negative, are—

Messrs. Bromberg, Coon, Farden, Glass, Hinds, Johnston, Jones, McAfee, Mahan, Martin of Russell, Sibley and Worthy—12.

Report of Standing Committees :

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported adversely, to

House bills---

To establish public holidays.

To authorize married women to mortgage their statutory separate estates in certain cases.

For the relief Warren E. Kennedy and James H. Stewart, administrators of the estate of William L. Kennedy, deceased.

To repeal sections 1401, 1407, 1408 and 1409 of the Revised Code.

Said reports and bills were recommitted to the same committee.

Also, from the same committee, reported adversely to

House bills---

To amend section 1402 of the Revised Code of Alabama.

To declare valid the acts of notaries public in certain cases;

To repeal an act to entitled An act to suppress murder, lynching and assaults and batteries ;

To amend section 1860 of the Revised Code of Alabama;

To repeal an act entitled "An act to suppress murder, lynching and assaults and batteries," approved December 28, 1868, so far as the same relates to the county of Blount;

Which adverse reports were severally concurred in.

Also, from the same committee, reported adversely to House bills---

To confer upon married women under 21 years of age the same rights and obligations in law and equity as are possessed by married women over twenty-one years of age ;

Which adverse report was not concurred in.

Bill was then ordered to a third reading.

Also, from the same committee, reported favorably to House bills---

To authorize the commissioners court of Pickens county to issue bonds for county purposes ;

To repeal "An act to consolidate the funds of fines and forfeitures and the general fund of the county of Sumter," approved March 1, 1870;

To put in force certain provisions of the Revised Code relative to the publication of legal and other notices ;

To restrict the sale of personal property in certain cases;

To prevent homicides ;

For the relief of Benjamin Patrick, a citizen of Alabama, residing in the city of Mobile ;

Which bills were severally read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported adversely to Senate bills—

To require the probate judges to keep the Supreme Court Reports, the Codes, Digests, and law books, in the Circuit Court Room during the terms of court;

To authorize Berry Cooley, guardian of Philip N. Tooley, to sell lot No. 2 in block 48, in the city of Montgomery, according to H. B. Barker's Survey, without making application, proof, obtaining an order and making report of the same;

For the relief of James F. Aldridge, executor of Moses Westbrook, deceased, of Marengo county ;

Which adverse reports were severally concurred in.

Also, from the same committee, reported adversely to Senate bill—

To amend section 2 of an act of the General Assembly of Alabama, entitled An act to re-enact and amend an act entitled An act to incorporate the Alabama Savings Bank at Montgomery, approved Feb. 12, 1867;

Which report and bill was made the special order for 12 o'clock on Thursday next.

Also, from the same committee, reported favorably to Senate bills—

To ratify and confirm the action of the municipal authorities of the city of Mobile in reference to the Northwestern Railroad Company;

For the consolidation of the Mobile and Northwestern Railroad Companies of Alabama and Mississippi, and ratify the same ;

To amend section 2860 of the Revised Code of Alabama ;

Which bills were severally read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendments, to

Senate bill—

To invite and procure immigration into the State of Alabama ;

Which amendments were severally adopted.

On motion of Mr. Martin of Tuscaloosa,

The bill was amended, as follows :

"Provided further, That no personal or pecuniary liability shall be incurred by any one of the above named parties for the acts or doings of any other of said parties sought to be charged therewith; and provided further, that this act is not intended to confer corporate authority upon the same."

Mr. Farden moved to amend by adding the name of "Jack Morris" as one of the parties in the first section;

Which motion was lost.

Bill was then read a third time forthwith, under suspension of the constitutional rule, and passed.

Message from the Governor:

Mr. President:

I am directed by His Excellency the Governor to inform you that he has approved the following acts, originating in the Senate, viz:

An act to amend an act to create a new county, to be called the county of Baker, approved March 2d, 1871.

An act to direct how a certain judgment, recovered by township six, range ten, when collected, shall be paid.

An act to provide for the completion of the Alabama State tract books, in the office of the Secretary of State.

An act for the relief of Mrs. Nancy Brown of Troy, Pike county.

An act for the relief of A. M. Granger of Mobile.

An act to prevent the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, within four miles of the Hopewell Baptist Church and the Magnolia Academy in Lowndes county.

Joint memorial to the Congress of the United States to extend the time for selecting swamp and overflowed lands.

An act in relation to the bonds and coupons to be issued by Tuscaloosa county for building a bridge across Warrior river.

An act to prevent the sale of liquors within a mile of Choccolocco bridge in Talladega county.

An act to authorize Mrs. Kansas Murphree of Pike county to make title to certain lands therein named.

An act to regulate the pay and mileage of jurors and commissioners of Geneva county, and to provide for the payment of the same.

An act to prevent the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, within two miles of Andrew Chapel in Coosa county.

An act to authorize the sheriffs of Bullock, Jefferson and Calhoun counties to sell property on any Monday in the month.

Joint resolution memorializing the Congress of the United States on the subject of aid, by grant of lands to the Mobile and Northwestern Railroad Company.

Respectfully,

W. V. CHARDAYOYNE,

Secretary.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
Montgomery, January 29, 1872. }

Mr. President :

The House concurs in the Senate amendment to the House bill—

To incorporate the J. H. Clanton Hook & Ladder Company No. 1, of Union Springs, Alabama.

And has originated and passed bills as follows :

To repeal an act usually known as the search warrant law, approved October 10, 1868.

To authorize appeals from certain decrees of the court of chancery.

For the better protection of human life.

To abolish the county court of Wilcox county.

To authorize and require the judges of probate of this State to procure books for recording trusts on personal property and crop liens.

To allow actions for the recovery of damages for injuries to the person, to be revived in the name of the personal representative of the deceased plaintiff.

To authorize the issuance of possessory warrants in certain cases.

To authorize and empower Daniel McClellan to convey by deed to Charles A. Ingram certain lands in the county of Henry.

To authorize proceeding in probate courts against unknown heirs of deceased persons.

To require the rendition of decrees of the court of chancery in term time.

To make valid the record of conveyances which were recorded between the 11th day of January, 1861, and the 21st of September, 1865.

To amend sections 4, 9 and 14 of an act in relation to the chancery courts in Alabama, approved August 12, 1868.

To validify a sale of certain lands in the county of Henry
The House has adopted joint memorials as follows :

Relating to a ship communication between the waters of the Gulf of Mexico and the Atlantic Ocean through the Florida peninsula.

Relating to a steamboat canal between the Tennessee and Coosa rivers.

To the Congress of the United States for a grant of public lands along the route of the Decatur-Aberdeen Railroad in aid of the construction of said road and also of a branch of the same to the city of Columbus, Mississippi.

ELLIS PHELAN,

Clerk of the House of Representatives.

Senate then adjourned until 10 $\frac{1}{2}$ o'clock Monday morning.

FORTY-SECOND DAY.

TUESDAY, January 30, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Gwin of this city.

ROLL CALL.

On the call of the roll the following Senators answered to their names :

Messrs. Bromberg, Coop, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Whitney and Worthy—27.

READING OF JOURNAL.

Journal of yesterday was read, corrected and approved.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To authorize the mayor of Mobile city to take cognizance of, and try cases of misdemeanor ;

Was read a first time.

On motion of Mr. Oliver said bill was laid on the table—
Yeas 14, nays 12.

Those who voted in the affirmative, are—

Messrs. Buckley, Coon, Farden, Foster, Glass, Johnston, Lambert, McAfee, Mahan, Martin of Russell, Oliver, Richards, Sibley, and Stow—14.

Those who voted in the negative, are—

Messrs. Bromberg, Jones, King, Mabry, Martin of Tuscaloosa, Miller, Pennington, Royal, Sanford, Sevier, Whitney and Worthy—12.

On motion of Mr. Lambert, said bill was taken from the table—Yeas 16, nays 9.

Those who voted in the affirmative, are—

Messrs. Bromberg, Buckley, Johnston, Jones, King, Lambert, McAfee, Mabry, Mahan, Martin of Tuscaloosa, Miller, Pennington, Sanford, Sevier, Whitney and Worthy—16.

Those who voted in the negative, are—

Messrs. Coon, Farden, Foster, Glass, Martin of Russell, Oliver, Richards, Sibley and Stow—9.

Senate refused to suspend the constitutional rule, in order to give the bill a second reading forthwith—Yeas 17, nays 9.

Those who voted in the affirmative are :

Messrs. Bromberg, Buckley, Johnston, Jones, King, Lambert, McAfee, Mabry, Mahan, Martin of Tuscaloosa, Miller, Pennington, Royal, Sanford, Sevier, Whitney and Worthy—17.

Those who voted in the negative are :

Messrs. Coon, Farden, Foster, Glass, Martin of Russell, Oliver, Richards, Sibley and Stow—9.

Bill was ordered to a second reading.

Message from the House :

HOUSE OF REPRESENTATIVES. }
January 30, 1872. }

Mr. President :

The House concurs in the Senate amendments to the House bills as follows :

To remove the administration of the estate of Sydenham Moore, deceased, from the probate court of Greene county to probate court of Mobile county.

To incorporate the town of Somerville, in Morgan county.

To incorporate the town of Dayton, in Marengo county.

To incorporate the town of Georgiana, in Butler county.

To incorporate the town of Attala, in Etowah county.

To incorporate the town of Gordon, in Henry county.

Authorizing and empowering the Auditor to draw his warrant on the treasury to pay for legal services rendered the State by the late Gen. James H. Clanton.

For the relief of Mrs. Catharine Norton.

To incorporate the town of Youngsville, in Tallapoosa county.

To authorize the Governor to issue a patent to A. A. Hewlett, for sixteenth section, township nine, range four, west, in Winston county.

To regulate the assessing and collecting of the poll tax in the counties of Henry and Greene.

To repeal sub-division one and four of section 957 of the Revised Code.

To extend the time of assessing the taxes in Morgan county.

Also, concurs in Senate amendments to the House joint resolution on the subject of the swamp and overflowed lands of the State.

The House refuses to concur in the amendment of the Senate to House bill—

To authorize William Spears of Coosa county, to peddle without license.

The House has passed Senate bill—

For the relief of the tax collector of Madison county.

And concurs in the Senate resolution, proposing to appoint a committee of three on the part of each House, to investigate the condition, &c., of the penitentiary.

The committee on the part of the House are, Messrs. Powell, Lowe and Drake.

The House has originated and passed bills as follows :

To relieve the tax collector of Washington county.

To facilitate the construction of the Mobile and Alabama Port Ship Canal.

To incorporate the town of Spring Hill in the county Pike.

To amend section 2721 of the Revised Code.

To define and regulate property exempted from sale under legal process for the payment of debts.

To repeal an act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages, approved December 28, 1858, so far as

relates to the counties of Jackson, DeKalb, Covington, Crenshaw and Cherokee.

For the relief of Thomas J. Kinnard of Hale county.

To prohibit the sale of spirituous liquors within two miles of Cedar Hill church, in Cherokee county.

For the relief of James L. Parrish, of the city of Montgomery.

To change the boundary line between the counties of Crenshaw and Pike.

To repeal "An act to suppress murder, lynching and assaults and batteries," approved December 28, 1868, so far as it relates to the counties of Jackson and DeKalb.

To regulate the pay of grand and petit jurors of DeKalb.

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as relates to the county of St. Clair.

To prevent the sale of spirituous liquors within two miles of Charcon church in Sumter county.

To repeal an act to suppress murder, lynching and assaults and batteries, in so far as it relates to the counties of Morgan and Winston.

ELLIS PHELAN,
Clerk House of Representatives.

SPECIAL ORDER.

At 1 o'clock the special order set for that hour came up, it being a report of select committee on House bill—

To exempt from administration property of decedents, and vest title in the widow or child or children.

On motion of Mr. Farden, chairman, the committee was allowed until 12 o'clock on Friday next, for which hour it was made special order.

House bill—

To amend section 3514, 3515, 3517 and 3518 of the Revised Code;

Was read a first time.

The constitutional rule was suspended to give the bill a second reading forthwith.

Mr. Farden called for a reading of the bill in full.

Pending its reading,

The following message was received from the Governor by the hands of Mr. Chardavoyne, secretary :

STATE OF ALABAMA,
Executive Department, }
 Montgomery, January 30th, 1872. }

Gentlemen of the Senate :

I herewith transmit a report received from the Commissioners appointed by me under the provisions of an act "To establish and encourage the cultivation of fish," approved March 9th, 1871.

The information which the report contains, and the views and suggestions of the able Commissioners, are worthy of consideration.

In Alabama, fish culture is certainly a novel and untried industry, yet its success in other parts of the world, tend to justify its experiment here.

ROB'T B. LINDSAY.

REPORT.

MONTGOMERY, ALA., Jan. 26, 1872.

To His Excellency Robert B. Lindsay, Governor of Alabama :

SIR : The undersigned, Commissioners, appointed by your Excellency, in accordance with "An act to establish and encourage the Cultivation of Fish," approved March 9th, 1871, have the honor to submit the following report :

Fish culture, as your Excellency is well aware, is no experiment. It has been crowned with success in every quarter of the globe. England and Continental Europe, Asia and America, all bear testimony to its utility, practicability and importance. An article upon this subject in the Patent Office Report for the year 1866, concludes as follows : "The time cannot be far distant when *our* waters, too, will be utilized like those of Europe and China."

The policy of affording State aid to the cultivation of fish has been vindicated by the beneficial results which have followed its introduction and establishment in many of the States of the Union. No individual citizen can make fish culture a success without protective and salutary laws ; and we regard it the duty of the legislature to throw around this important department of industry adequate security.

Can fish culture be made profitable to a degree commensurate with the labor and expense attending it ? If it cannot, it is not entitled to consideration ; if it can, it is worthy of respectful attention.

The question is answered by Thaddeus Norris, a distin-

guished writer upon "American Fish Culture," in the following conclusive manner: "It will certainly pay in stocking barren rivers, as was demonstrated at Holyoke, last summer, where forty millions of shad were hatched out. A few years since Seth Green bought an old mill site for two thousand dollars. The creek abounded in trout, and by erecting barriers to their escape, he soon had an abundant supply of breeding fish. He had scarcely commenced artificial propagation when a partner was admitted by paying down six thousand dollars for a half interest; the place which was bought for two thousand dollars being valued at twelve thousand dollars. His profits in 1866 were about one thousand dollars. This year, (1870) he sells three hundred thousand spawn at from eight to ten dollars per thousand, and two hundred thousand young fry at from thirty to forty dollars per thousand; the sales amounting, perhaps, to ten thousand dollars from spawn and small fry, to say nothing of the large trout which he sells from his ponds."

In a pamphlet upon Fish Culture, by Seth Green, the individual referred to in the above extract, he says: "Fish can be raised as well as any other stock, and made so cheap that the poorest in our land can have abundance of good and nourishing food. The time will come, and come soon, when our rivers, lakes and streams will be abundantly stocked with those fish to which they are best adapted. We do not hesitate to say, that at the present time an acre of water can be made to pay far more than an acre of land."

The fifth annual report of the commissioners of fisheries of the State of Connecticut, made in the year 1871, states that "the most remarkable individual success in the breeding of Salmon, is that of S. Wilmot, Esq., at Wilmot's Creek, at New Castle, Ontario. In the fall of 1866 he commenced with half a dozen salmon. From this slender stock he obtained about fifteen hundred ova, which he placed in his hatching house. The fry obtained were matured in proper time and placed in the stream. In 1870 the number had increased so that one hundred and fifty thousand young fry were let loose from this establishment, and upwards of three hundred thousand ova were hatched the past season."

The extent to which the culture of fish may be carried seems to be without a limit. In Sweden, experiments have been made with mullets, bream and perch. Every female mullet produced, on an average, forty thousand young; every

bream over sixty-two thousand, and every perch sixty-four thousand.

Few branches of industry present so many inducements in the shape of large profits and quick returns as this. If the farmers of our section would realize that their waters are as susceptible of cultivation as their lands, and with far less trouble and expense—if they would accept the truth, that fish can be raised as easily as chickens and sheep, and that whoever raises them should be entitled to the exclusive right to them—all the ponds and streams in the State, now of no value, would soon be profitable beyond measure. Too little attention has hitherto been paid to this subject. No pains have been spared to perfect soils, to secure the best fertilizers and the best seeds. Associations for the promotion of agriculture are found in every county, but the ponds and streams have been neglected, and the abundant harvests they might afford have been overlooked. We have the assurance of one of the most successful fish culturists that every acre of water is worth two acres of land, and if a tithe of the expense and labor were bestowed upon the former that are annually expended upon the latter, fish would be so abundant that they could be had in the market at merely a nominal price.

Your commissioners believing that they would meet the object of their appointment by presenting examples of what has been accomplished, rather than indulging in speculations, present the facts here given, and respectfully recommend such legislation as is necessary for "selecting, establishing and maintaining" a fish nursery in the State of Alabama. We are of opinion that our climate and our waters are well suited to the purpose, and that no where upon the globe can more gratifying results be accomplished, in this most interesting department of industry, than in our own State. Nor is this mere opinion. Fish culture is already a success in Alabama, and the fostering care of the legislature is all that is needed to make it a blessing to our people. Believing it wise and patriotic, the subject of fish culture is commended to the favorable consideration of your Excellency and the General Assembly, and we most respectfully ask that an appropriation be made commensurate with the importance of the subject.

We have the honor to be your Excellency's obedient servants,

CHAS. S. G. DOSTER,
RO. TYLER,
D. R. HANDLEY.

Said message and report of the commissioners was read in full.

On motion of Mr. Pennington, one thousand copies of both were ordered to be printed with covers, and referred to a select committee composed of Messrs. Pennington, Farden and Coon.

Mr. Pennington then moved that the Senate go into executive session.

APPEAL.

Mr. Farden appealed from the decision of the chair (Mr. Whitney in the chair,) which had decided Mr. Pennington's motion was in order and not a continuation of the House bill under consideration, and the question being, "Shall the chair be sustained?" the chair was sustained.

Yeas 14, nays 9.

Those who voted in the affirmative are—

Messrs. Bromberg, Hinds, Johnston, Jones, Lambert, McAfee, Mabry, Mahan, Martin of Russell, Miller, Pennington, Sanford, Sibley and Worthy—14.

Those who voted in the negative are—

Messrs. Coon, Farden, Foster, Glass, King, Oliver, Richards, Sevier and Buckley—9.

Senate then refused to go into executive session.

Senate then adjourned until 10½ o'clock to-morrow morning.

FORTY-THIRD DAY.

WEDNESDAY, January 31, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Gwin of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oli-

ver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Whitney and Worthy—27.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Yordy, without pay, at his own request in writing.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Glass—

For the relief of the county officers of Macon county, and to provide funds for the prompt payment of the current expenses of the poor house of said county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Stowe—

To protect common road bridges in Montgomery county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Coon —

To settle the accounts of the commissioners of lotteries ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the select committee, composed of Messrs. Worthy, Sanford, Jones, Martin of Tuscaloosa, and Mahan.

By Mr. Miller—

For the relief of Jacob Gibson of the county of Conecuh, Alabama, of non-age.

To authorize and empower John C. Donald, a minor, of Conecuh county, to settle with his guardian ;

Which bills were severally read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

By Mr. Miller—

To change the county boundaries between the counties of Escambia and Conecuh ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

Message from the House :

HOUSE OF REPRESENTATIVES, }
Jan. 31, 1872. }

Mr. President :

The House passed Senate bill—

For the relief of Nellie Croney of Colbert county.

And has amended as therein shown, and passed Senate bill—

To prevent the wanton destruction of fish in Madison county.

The House has originated and passed the following bills—

To prohibit retailing vinous, spirituous and malt liquors, within two miles of the court house at Grove Hill in Clarke county.

To prohibit the sale of liquors within three miles of the Methodist Episcopal church at Warrior Stand, Macon county.

To prohibit the sale of liquors within two miles of Salem church, in Clarke county.

To prohibit the sale of liquors within one mile of Antioch Baptist church, in St. Clair county.

To prohibit the sale of liquors within two miles of Kennedale cotton mills, in Tuscaloosa county.

To prevent the sale of liquors within two and a half miles of Bradford Chapel church in Macon county.

To exempt certain property therein named, from levy and sale under execution or other final process of any court of the State, issued for the collection of a debt.

To prevent the selling of liquors within four miles of Mount Zion, New Labanon, Providence, and Fair Prospect churches in Montgomery county.

To prohibit the sale of liquors within three miles of Stonewall Institute, in the county of Dallas.

To prohibit the sale of liquors within three miles of Pleasant Site church, in Franklin county.

To prohibit the sale, giving away, or otherwise dealing in spirituous, vinous, or malt liquors, within three miles of New Cubahatchie Baptist church, in Macon county.

To prevent the sale of liquors within four miles of Bethesda and Hopewell churches, in the county of Montgomery.

To authorize the commissioners court of Jackson county

to levy a special tax, from year to year, to pay off the indebtedness of said county.

To require the corporate authorities of Troy to make and publish a statement of the amounts collected and paid out by their authority.

To prohibit the sale of liquors within two miles of Town Creek Church, in Dallas county.

To prohibit the sale or giving away of liquors within two miles of Little Zion Church, in Montgomery county.

To remove the administration of the estates of James S. H. Davis and Andrew S. Davis, deceased, from the county of Butler to the county of Crenshaw.

To authorize Theophilus S. and George H. Fountain, or either of them, citizens of Georgia, to qualify as executors of the estate of B. B. Fountain, deceased.

To repeal an act to register and pay the debt of Sumter county, approved March 1, 1870.

To prevent the sale of liquors within two miles of Mulberry College, Blount county.

To prevent the sale of liquors within one mile of Soule Chapel, in the county of Chambers.

To authorize W. R. Head, administrator *de bonis non* of W. F. Faulkner, to sell the land of the estate without an order of court.

To repeal an act fixing the compensation of the treasurer of Clarke county, approved February 14, 1870.

To prohibit the sale of liquors within one mile of Camp Hill Church, in Tallapoosa county.

To prohibit the sale of liquors within three miles of New Hope Church, in Macon county.

To prohibit the sale of liquors within three miles of the Academy, Baptist and Methodist Churches, at Helicon.

To repeal section 4 of an act to establish and incorporate a male and female academy at Rehoboth, in the county of Wilcox, approved February 9th, 1852.

ELLIS PHELAN,

Clerk House Representatives.

HOUSE OF REPRESENTATIVES, }

January 31, 1872. }

Mr. President:

The House has amended, as therein shown, and passed the Senate bill—

To amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State.

ELLIS PHELAN,

Clerk House Representatives.

Reports of standing committees :

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported adversely to Senate bills—

For the relief of M. J. Rushton, administrator of W. H. Ellison, deceased ;

To create and maintain a steam ferry between the city of Mobile and the eastern shore of Mobile bay ;

For the relief of Levina Miller of Coffee county ;

To subject the property of defendants in all cases where judgments and execution have issued and supersedeas have issued, until the final disposition of the supersedeas is disposed of, on the final adjudication of the court, of supersedeas is settled when appeals have been taken to the supreme court.

Which adverse reports were severally concurred in.

Also, from the same committee, reported as follows relative to the

PETITION OF TALIAFERRO PAGE :

Mr. President :

The committee on judiciary, to which was referred the petition of Taliaferro Page, praying to be reinstated to the official discharge of the duties, and be allowed to receive compensation for the office of page of the Senate, to which he alleges he was elected, and the emoluments of which he is entitled, and which he insists he is entitled to, &c., have had the same under consideration, and instruct me to report as follows, to-wit :

Taliaferro Page, the committee find, was appointed ; that at the first session of the general assembly, 1868, he was elected page of the Senate at three dollars per day, and proceeded to discharge the duties of page ; that at a subsequent session he was absent, and failed to appear in his place when called ; that his place was then supplied, by order of the Senate, by another person. This, your committee are of opinion, the Senate had an undoubted right to do for the transaction of their necessary business. By the constitution of Alabama, each house of the general assembly have a right to judge of the qualifications of its members ; and by parity of reason they have a right to choose and appoint all their inferior and subordinate attaches, messengers and servants, and especially when they or any one of such may be prevented from appearing and entering upon the discharge of duties assigned them ; which we find was the case as to Taliaferro Page.

Your committee further find, that said Taliaferro Page appeared on the — day of November, the first of the present session, and claimed his said place as page of the Senate, and now applies for said office and tenders his services in said former appointment. We think he forfeited said place, whether under necessity or of his volition, in not coming up and answering to his name, and fulfilling and performing the duties and services of page to the Senate.

We respectfully recommend the Senate to draw their warrant on the state auditor in favor of said Page for the number of days of the present session to the final disposition of his said petition, at the rate of one dollar and fifty cents, as half pay for said time; and we further beg leave to report adversely to his petition, except the allowance of the said sum.

Respectfully submitted.

G. T. McAFEE, Chairman.

Also, from the same committee, reported favorably to Senate bills—

For the protection of the holders of lottery certificates or tickets;

To require chancellors to state in writing the grounds upon which their final decrees are rendered.

Which bills were severally read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendment, to Senate bill—

In relation to the duties of the clerk of the supreme court.

Which amendment was adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendment, to House bill—

To amend the charter of the city of Talladega, and confer additional powers on the mayor and aldermen of said city.

Which amendment was adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to Senate bill—

For the relief of all officers and soldiers of the late Confederate army, from certain pains and penalties.

Which bill was recommitted to the same committee.

Also, from the same committee, reported a substitute, with amendments, to House bill—

To enforce the collection of taxes from express companies.

Which was laid on the table, and one hundred and fifty copies ordered to be printed.

RESOLUTION.

Mr. Oliver offered the following resolution, which was read and adopted :

Whereas, there are doubts in relation to the tenure of office of the members of the Senate and House of Representatives—

Be it resolved by the Senate, That the supreme court is hereby respectfully requested to give an expression of their opinion in relation to the tenure of office of the members of the Senate and House of Representatives, and transmit the same to the Senate.

SPECIAL ORDER.

At 12 o'clock the five special orders set for that hour came up, being Senate bills—

To repeal certain acts of the board of education.

Their consideration was postponed until 12 o'clock on Monday next, for which hour they were made special orders.

CONCURRENCE.

Senate bill to amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within this State,

As amended by the House, was called up.

Mr. Worthy moved to postpone the further consideration, and make it the special order for 12 o'clock on Monday next;

Which motion, on motion of Mr. Pennington, was laid on the table—Yeas 20, nays 6.

Those who voted in the affirmative are—

Messrs. Bromberg, Buckley, Coon, Farden, Glass, Johnston, Lambert, McAfee, Mabry, Mahan, Martin of Russell, Miller, Oliver, Pennington, Richards, Sanford, Sevier, Sibley, Stow and Whitney—20.

Those who voted in the negative are—

Messrs. Foster, Jones, King, Martin of Tuscaloosa, Royal and Worthy—6.

The amendment of the House was then concurred in.

Senate concurred in the amendments of the House to Senate bill—

To prevent the wanton destruction of fish in Madison county.

REPORTS OF SELECT COMMITTEES.

Mr. Farden, from select committee, reported favorably to Senate bill—

To raise a fund for the benefit of the fire companies of the city of Montgomery.

On motion of Mr. Farden, the bill was amended in the 5th line of section one by striking out all after the word "fire" down to the words "shall pay."

And also, by striking out in section two the words "or takes river or marine risks."

On motion of Mr. Jones, the bill was amended by striking out "five per cent," and inserting "three per cent;"

And by striking out in section three the words "one thousand dollars," and inserting the words "five hundred dollars."

On motion of Mr. Farden, the bill was amended by striking out the words "or county," wherever they occur.

On motion of Mr. Farden, the bill was amended as follows:
"Provided, that the provisions of this act shall apply to all fire insurance companies doing business in the city of Selma and the county of Dallas, for the benefit of the fire department of said city of Selma."

On motion of Mr. Mabry, the provisions of the bill were extended to Eufaula.

The bill was then read a third time forthwith, under suspension of the constitutional rule, and passed—Yeas 15, nays 8.

Those who voted in the affirmative are—

Messrs. Bromberg, Coon, Farden, Foster, Glass, King, Mabry, Martin of Russell, Miller, Pennington, Royal, Sevier, Sibley, Whitney and Worthy—15.

Those who voted in the negative are—

Messrs. Jones, Lambert, McAfee, Mahan, Martin of Tuscaloosa, Oliver, Richards and Sanford—8.

Mr. Farden, from select committee, reported favorably, with amendments, to Senate bill—

Supplemental to an act to relieve and regulate the finances of the State.

Said bill and amendments were ordered printed, 150 copies, and made special order for 12 o'clock on Monday next.

On motion of Mr. Pennington, the House bill—

To establish revenue laws for the State of Alabama,

Was made special order for 10½ o'clock to-morrow morning. Senate then adjourned till 10¼ o'clock to-morrow morning.

FORTY-FOURTH DAY.

THURSDAY, February 1, 1871.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Gwinn, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, McAfee, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Whitney and Worthy—27.

READING OF JOURNAL.

Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Miller.

SPECIAL ORDER.

At 10½ o'clock the special order for that hour came up, it being the House bill—

To establish revenue laws for the State of Alabama.

Mr. Sanford, from the committee on finance and taxation, returned said bill to the Senate.

The bill was then considered section by section.

First section was read and adopted.

Second section was read.

On motion of Mr. Martin of Tuscaloosa, the section was amended by striking out the word "vender," and inserting the word "vendee."

Thus amended, said section was adopted.

Third section was read.

Mr. Bromberg moved to amend, by striking out, in paragraph 4, the following words:

"Not exceeding in any case ten acres, upon which said buildings are or may be erected;"

Which amendment was adopted, and afterwards the vote was reconsidered.

Mr. Barr moved to amend paragraph 4, so as to read—

"All grounds belonging thereto."

Mr. Pennington offered the following substitute for said amendment:

"All public school houses and the grounds on which they may be erected connected therewith, or held as a part of the property of the said public school houses."

Pending the consideration of which,

SPECIAL ORDER.

At 11 o'clock, the special order set for that hour came up.

REPORT OF A SELECT COMMITTEE.

Mr. Lambert, from select committee, reported a substitute for Senate bill—

For the relief of the widows in Alabama created by the late war.

Mr. Martin of Tuscaloosa moved to lay the substitute on the table;

Which motion was lost—Yeas 5, nays 20.

Those who voted in the affirmative are—

Messrs. Bromberg, Mahan, Martin of Tuscaloosa, Richards and Worthy—5.

Those who voted in the negative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, McAfee, Mabry, Martin of Russell, Oliver, Pennington, Royal, Sanford, Sevier, Sibley, Stow and Whitney—20.

Mr. Worthy moved to lay the whole subject on the table;

Which motion was lost—yeas 6, nays 19.

Those who voted in the affirmative are—

Messrs. Bromberg, Martin of Tuscaloosa, Oliver, Richards, Sevier and Worthy—6.

Those who voted in the negative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Mabry, Mahan, Martin of Russell, Pennington, Royal, Sanford, Sibley, Stow and Whitney—19.

Said substitute was adopted.

Bill was then considered section by section.

First section was read.

On motion of Mr. Martin of Tuscaloosa, "one hundred

thousand" was stricken out, and "five hundred thousand" inserted—yeas 17, nays 7.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Foster, Glass, Johnston, Jones, King, Lambert, Mahan, Martin of Tuscaloosa, Richards, Sanford, Sevier, Sibley, Stow, and Whitney—17.

Those who voted in the negative are—

Messrs. Farden, Hinds, Mabry, Martin of Russell, Oliver, Royal and Worthy—7.

Mr. Sanford moved to amend section 2 by striking out all after the word "of" in the fourth line, down to the word "in" in the sixth line, and inserting as follows:

"Fifty dollars per annum for the term of ten years, in favor of each widow."

Mr. Jones offered the following amendment:

"*Be it further enacted*, That said amount of five hundred thousand dollars be paid to three commissioners, to be appointed by the governor and confirmed by the senate."

Mr. Mabry moved to insert the words:

"Providing they shall draw only one hundred dollars yearly."

Mr. Farden moved to amend by inserting:

"For not less than one hundred nor more than five hundred dollars, at his discretion, upon satisfactory evidence."

Mr. Sevier offered the following amendment as an additional section:

Be it further enacted, That every person claiming said appropriation shall first certify on oath that she is a widow, and that she does not possess more than five hundred dollars worth of property; an inventory of her property, if she has any, first being taken by two disinterested landholders, who shall certify such fact to a justice of the peace of the beat in which said widow resides; and that upon a presentation of this certificate the amount appropriated shall be drawn."

Mr. Bromberg offered the following amendment:

"*Provided*, That mileage be allowed to each beneficiary, according to the distances laid down in section forty-nine (49) of the Revised Code, at the rate of ten cents per mile going to and returning from the seat of government."

The bill, with all the amendments, was recommitteed to the same committee, with instructions to report at 11 o'clock on Monday next, for which it was made special order.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

By Mr. Foster—

Joint memorial to the Congress of the United States, ask-

ing postal facilities on the river routes on the Tombigbee and Alabama rivers ;

Which was adopted.

By Mr. Coon—

To protect the interest of the State in the Alabama & Chattanooga railroad ;

Which bill was read twice forthwith under suspension of the constitutional rule, two hundred copies ordered to be printed, referred to the Committee on Internal Improvements, and made special order for 11 o'clock on Monday next.

By Mr. Whitney—

Joint resolution for paying expenses incurred by the senate committee for investigating the condition and management of the Alabama & Chattanooga railroad ;

Which was read twice forthwith under suspension of the constitutional rule, and referred to the Committee on Appropriations.

SPECIAL ORDER.

At 12 o'clock the special order set for that hour came up, it being—

Adverse report of the Judiciary Committee to the senate bill—

To amend section 2 of an act of the general assembly of Alabama, entitled "An act to re-enact and amend an act to incorporate the Alabama Savings Bank at Montgomery," approved February 12, 1867 ;

Consideration of which was postponed, and made special order for 11 o'clock on Monday next.

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
MONTGOMERY, February 1, 1872. }

*Gentlemen of the Senate
and House of Representatives :*

I submit to the General Assembly a communication addressed to the Executive by Messrs. Stone & Clopton, Watts & Troy, and Gen. E. W. Pettus, relative to the Alabama & Chattanooga railroad company. The magnitude and gravity of the questions presented in the communication, united to the eminent character of the gentlemen who sign it, will secure for it the earnest consideration of the Legislature.

The legislation they deem necessary to protect the State against danger and loss from its complications with the Ala-

bama & Chattanooga railroad they have embodied in a draft of a bill which I herewith transmit for such action and disposition as the General Assembly may, in its wisdom, consider proper.

The present status of the State in its legal relations with this railroad company demand great vigilance lest the strength of that status should be impaired or its advantages lost.

ROBERT B. LINDSAY.

To His Excellency R. B. Lindsay :

The undersigned, legal advisers of the State in the matters of the Alabama & Chattanooga railroad company, have felt and still feel the necessity of additional legislation, that the interests of the State may be properly protected, and the property of the corporation made available in liquidation of the State's liabilities on account of said railroad corporation. To a proper understanding, however, of the character of the legislation needed, a succinct history of the progress of events since we became counsel in the premises, seems necessary. In no other way can we clearly set forth the difficulties encountered, and the reasons which have controlled us in our professional connection with said railroad complications.

THE SITUATION

Of the railroad, at the time our services were obtained as counsel of the State, was substantially as follows :

The railroad corporation had failed to provide the interest due in January and July, 1871, on bonds for which the State was found to be liable, and the State had paid that interest.

You, the Governor, under the 8th section of the act "to establish a system of internal improvements in the State of Alabama," approved February 19th, 1867, had appointed John H. Gindrat, Esq., (Gen. James H. Clanton to accompany him as adviser,) to take possession and control of said railroad and all the assets thereof.

The road extended not only across the State of Alabama, but into the States of Mississippi, Georgia and Tennessee ; most of the movable property of the road was beyond the limits of the State of Alabama ; a large part of it under seizure in judicial proceedings, and most, if not all the residue, was held by self-constituted force. The authority of the State through its Governor, under the statute above referred to, could have no extra territorial operation, and judicial interposition was necessary to obtain possession of the property that was beyond the limits of Alabama. Neither yourself

nor your appointees were able to obtain control of the entire road and its property.

A suit in equity in favor of the State had been instituted through the instrumentality of Gen. Clanton in the Circuit Court of the United States for the State of Mississippi, and under the order of that court John H. Gindrat had been appointed Receiver, and as such Receiver had obtained possession of all that part of the road and its property which were in Mississippi. In this condition of the affairs of the rail road, we were called into the counsel. We attempted a survey of the entire field, and found difficulties of grave magnitude in any line of policy we might recommend. To stand still was practically to abandon all attempts to obtain such control of the road as to employ it to any profit. This would leave it in the hands of dissatisfied creditors, who were clamoring for their alleged dues. We had no alternative left us but to appeal to the courts of the country. Under the Constitution of the United States, the State could sue in the Supreme Court of the United States, the only court whose powers were certainly adequate to adjust the entire controversy in one proceeding. But that court sat at a great distance from the line of the railroad, it sat but once a year, its docket was known to be crowded with business, the expense in that court would certainly be very great, and under all the circumstances we did not deem it advisable to sue in that court, unless it should be afterwards found necessary to do so, to prevent abuse and disregard of the State's interests in some other court. At the same time, we resolved to keep the State uncommitted to any judicial proceedings that might be instituted against the railroad corporation by any other creditor, thus holding in reserve the right of the State to invoke the interposition of the Supreme Court of the United States, should such interposition become necessary.

We knew, also, that an attempt had been made to place the railroad corporation in involuntary bankruptcy, and that such attempt had failed only because of some imperfection in the proceedings. From the number of the creditors of the corporation, the notorious dissatisfaction felt at the conduct of the road and its officials, and the probability that it could be shown that the corporation had committed acts of bankruptcy, we considered it probable that other attempts would be made to have it declared bankrupt.

Other hindering and disturbing litigation in the interest of the corporation was apprehended by us. The tendency of that litigation, as we then thought and still believe, was to take the control of the road and its property out of the custody of the assignees and appointees of the State, and to

place the same in hands and under influences hostile to the interests of the State of Alabama. The sequel, as we shall hereafter show, has converted our apprehensions into incontrovertible facts. Hurried as we were by the exigency, and fearing complications and embarrassments that we would surely encounter if adverse litigation got the start of us, we advised and instituted judicial proceedings in each of the other States into which the road extends. In this we were not unmindful of the difficulties in our path; but with all these difficulties, this seemed to be the least objectionable of all conceivable lines of policy. By this plan we hoped and expected to be able to place the road in such hand or hands as that it could and would be operated for the best interests of the State, and in entire harmony throughout its whole length. We believed also that when those opposed to the State's possession of the road should find themselves foiled in all their efforts to hold the road, a speedy adjustment would be concluded with them, or with some responsible contracting party, which would relieve the State of all further necessity of holding possession of the road—a possession much deprecated by us—justified alone by the stern necessities of the case, and to be relinquished as soon as the State's interests would permit. This opinion was based, and this counsel given, on the conviction we then entertained, that the road and its property were in value much more than sufficient to pay the debt secured by the first mortgage; that the failure of the corporation to meet its interest resulted from design, and not from inability to pay; that the conduct of the corporation and the officers of the road had for its object the shifting of the burden of its indebtedness to other shoulders than their own; and that as soon as they should find themselves powerless to carry out this policy, they, to prevent the road from passing forever from their hands, would make such adjustment as would protect the State from loss on account of the endorsed bonds. The conduct of those parties since, as set forth hereafter, has served only to confirm our convictions then entertained. We believe their controlling purpose then was, and yet is, to relieve themselves of the burden of the road's first mortgage indebtedness and either repudiate it outright, or leave it to be paid by the State.

Desiring, as above stated, to be first in the field of litigation, and believing that with such advantages secured to the State, a satisfactory solution of all difficulties could be obtained; or failing in this, the State would become master of the situation, we adopted the course hereinafter shown. The result proved that we did not unduly apprehend or over-estimate the importance of being first in the field.

We promptly instituted the following

JUDICIAL PROCEEDINGS :

A suit in the chancery court of Tennessee, in which the attaching creditors of the road's property were restrained by injunction, John H. Gindrat appointed receiver, and the road and its property in that State placed in his hands. A suit in equity in the State of Georgia, which resulted in the appointment of Gen. Wofford as receiver, and the portion of the road and its property which are in that State was placed in his hands. A suit in the chancery court of Sumter county, Alabama, which resulted in the appointment of Mr. Charles Walsh of Mobile as receiver.

Since the appointment of said receivers there has been no obstruction to the harmonious operation of said road, save on that portion which is in Georgia, some twenty-four or twenty-five miles in length. On this part of the road both the States of Georgia and Alabama have indorsed the bonds of the railroad company; Alabama at the rate of sixteen thousand dollars per mile, and Georgia at the rate of eight thousand dollars per mile. These conflicting claims and interests between the two States have furnished the only obstacle to the harmonious running of the entire road by the several receivers and appointees. The interests of all parties concerned call for a speedy removal of this obstacle, for the road cannot be successfully run except upon a schedule of entire harmony throughout the whole length. Under existing laws, your Excellency has not the requisite power to adjust this difficulty. This would have presented a very serious obstacle to the profitable running of the road, if it had been complete in all its length and equipments. But the road is incomplete, and is greatly deficient in rolling stock. Competent judges estimate that to complete and furnish the road there will be required an outlay of a million or twelve hundred thousand dollars. Without this the road cannot be run with much profit. Still the road must not be abandoned. To do this would leave it exposed to merciless depredators and to very rapid decay from disuse and the absence of proper supervision and repairs. Under the law as it now stands, your Excellency can not furnish the funds for the completion and equipment of the road; and the powers of the four courts under four different jurisdictions, each independent of the others, could not probably be brought to harmonize on a policy which would meet such a want as this. Some legislation in the premises is necessary if litigation or other hindering causes should materially prolong the present state of things.

OTHER COMPLICATIONS.

On the 12th day of September, 1871—only eight days after the bill in favor of the State was filed in the chancery court of Sumter county—the last of the suits instituted by us for the State, one William F. Drake of New York, claiming to be a second mortgage bond holder to the extent of sixty thousand dollars filed his bill in the circuit court of the United States for the State of Alabama against the Alabama & Chattanooga Railroad company, and John H. Gindrat, receiver, appointed by your Excellency. By his original bill, Drake sought to repudiate the State's indorsement of that part of the first mortgage bonds which were issued for the construction of all that part of said railroad which lies east or north-east of Elyton, about half the track. By said bill he also sought to have a receiver appointed by that court, to take charge of and control said road and its property, under the order of that court. If he had succeeded in having a receiver appointed under his bill the result he sought to reach would have been the displacement of the State's receiver and of the receiver appointed at the State's instance in the Sumter chancery court. That end he would have attained, or there would have resulted a very serious and embarrassing conflict between the two jurisdictions, State and Federal. Nothing but the prudence and judicial ability of Judge Woods prevented the culmination of this conflict.

The first motion for the appointment of a receiver under Drake's bill was made and heard at chambers, in Montgomery, about the 12th or 14th day of September, 1871. This motion was overruled.

In December, 1871, Drake's bill was so amended as that it denied the constitutionality of the Alabama act incorporating the Alabama & Chattanooga Railroad Company, and claimed that the company became a corporation only by virtue of the Tennessee statute enacted in 1870. Under this amendment he sought to invalidate and repudiate the entire indorsement by Alabama of the Alabama & Chattanooga railroad bonds. He also again sought to have a receiver appointed. That motion came up for adjudication at the recent term of the court in Mobile, and was finally decided on the 25th of January, 1872. The decision of the court was that the Alabama act of incorporation is constitutional and valid, that the bonds are a subsisting liability, and, as a consequence, the State is bound by its indorsement of the bonds. On the motion for the appointment of a receiver, the court declined to make the order, solely on the ground that it appeared that the chancery court of Sumter, a court of concurrent jurisdiction had first

acquired jurisdiction of the subject matter and appointed a receiver. The motion was therefore continued, that the true condition of the chancery suit in Sumter county may be shown by the pleadings and evidence at the next term of the circuit court of the United States. That term will be held in April next. Such appointment, made under said bill so filed by Drake, we believe would materially hinder Alabama in the assertion of its claims on the road.

About the 15th of September, 1871, W. A. C. Jones, an alleged creditor of the Alabama & Chattanooga Railroad Company, filed a second application in the district court of the United States for the middle district of Alabama to have the Alabama & Chattanooga Railroad Company declared an involuntary bankrupt. Such proceedings were had thereunder that on the 6th day of November, 1871, said corporation was adjudged bankrupt, and assignees were appointed. A petition to have said proceedings revised and reversed, made in behalf of the corporation, was heard before Hon. W. B. Woods, United States circuit judge at Savannah, about the 29th day of November, 1871, and the motion was overruled; that court thus leaving the bankrupt adjudication in full force.

In the recent proceeding in the circuit court of the United States for the appointment of a receiver under Drake's bill, the court incidentally ruled that the bankrupt adjudication aforesaid was invalid because of irregularity in the filing of the petition and the service of notice. Thereupon one Sylvester Stephen, claiming to be a creditor of the Alabama & Chattanooga Railroad Company, served notice and prayed a second revision of said bankrupt adjudication. This petition is set for hearing before Hon. W. B. Woods, on the 18th of March next, at chambers, in the city of Mobile. The probable effect of this second petition for revision will be to delay action under the bankruptcy until the same is heard. It may turn out that the hearing will be delayed beyond the 18th of March. Soon after action was sought in the middle district of Alabama, under petitions filed by W. A. C. Jones, to-wit: On the 19th day of September, 1871, Hopkins & Co., claiming to be creditors of said corporation, filed a petition in the district court of the United States of the eastern district of Tennessee to have the said Alabama & Chattanooga Railroad Company declared an involuntary bankrupt in that court.

Proceedings under that petition stand suspended, because it was shown to said court that the petition of W. A. C. Jones above had been presented and acted upon in the United States district court of Alabama, before the petition was filed in that court. Should the proceedings in the Alabama district court fail, the said proceedings in the Tennessee court can be re-

vived. We have been thus particular in details in order that the complications which have embarrassed and obstructed the State in its policy may be understood. We take a further step, and hazard the expression of a firm belief that all this litigation in opposition to the State's policy, saving and excepting the bankrupt proceedings inaugurated by W. A. C. Jones aforesaid, originated and has been directed in one common interest, and is all the work of J. C. Stanton and his confederates, of whom W. F. Drake is one.

We will briefly give our reasons for this belief. In the changing phases of litigation, of which a history is given above, the following interests, apparently conflicting, have been represented by one counsel. In the first proceedings in bankruptcy instituted by W. A. C. Jones, Judge Rice sought to appear as *amicus curiæ* in opposition to the adjudication of bankruptcy. He was denied a hearing in that character. A petition by the corporation to revise said proceedings was afterwards heard before Judge Woods, and the adjudication reversed. On the hearing of this petition, Judge Rice appeared as counsel for the corporation.

On the 12th of September, 1871, the bill of W. F. Drake against the Alabama and Chattanooga Railroad and John H. Gindrat, mentioned above, was filed. One object of that bill was to have a receiver appointed by that court to take charge of the road and its property. Within two or three days after the bill was filed, a motion was submitted to Judge Woods at Chambers in Montgomery to appoint a receiver. On the hearing of that motion, the evidence of notice to the Alabama and Chattanooga Railroad consisted of the acceptance of service indorsed on the bill, signed by some one, not known or a resident of Montgomery, representing himself as counsel for the railroad corporation. It was said that said attorney resided in New York. He was not present in court. It is understood that the bill was framed in New York; and we suppose the indorsement of acceptance of service was made there, before the bill was filed. This served the purpose of notice to the corporation on the motion heard in Montgomery. Judge Rice appears as counsel of Drake in every stage of this suit. His individual, not his firm name, is signed to the pleadings.

On the recent motion to appoint a receiver in that cause heard in Mobile it was deemed necessary to have the corporation represented in court; and Mr. Chilton, law-partner of Judge Rice, appeared in court and announced himself counsel of the railroad corporation:

In the proceedings in bankruptcy instituted in the district court of Tennessee by Hopkins & Co., mentioned above, Judge

Rice appeared as counsel for the petitioning creditors to put the road in bankruptcy in that court.

In the second petition for revision of the Alabama bankruptcy, filed by Sylvester Stephens, Judge Rice appears as counsel for said Stephens.

Those several interests, so represented by one and the same counsel, appear to be conflicting. They can be reconciled only on the theory that they all have one common aim, and are controlled by one common spirit. We refer to these several acts of counsel, with the sole view of proving that all this opposing litigation has one common object.

On these considerations, we have resisted, thus far successfully, all attempts to place the road and its property in the hands of a receiver appointed at the instance of W. F. Drake.

It is shown above that Judge Woods declined to appoint a receiver in Drake's suit, solely because jurisdiction of the corporation had first attached in the State's chancery suit in Sumter county; so long as that court exercises jurisdiction in the premises, the circuit court of the United States for Alabama will not interfere. We advise that the Sumter chancery suit be still prosecuted, as the best means, under existing circumstances, of preserving and controlling for the State the said railroad and its property. Mr. Walsh, the receiver appointed by that court, is widely and favorably known for his good character and business qualifications. We are pleased to learn that your Excellency will interpose no obstacle to his administration of the property committed to him in the character of receiver; but that you approve such administration by him. His possession, we trust, will result in much benefit to the State; and we hope no attempt will be made, in any court, to disturb his possession, resting as it does on the paramount lien of the State, until the State's liability is cancelled or satisfactorily adjusted. We can not admit that the State can be forced as a suitor into the federal courts; and we can not admit that the State's interests can be adjudicated or passed upon in such courts except at its own instance. The validity of judicial proceedings depends on the jurisdiction of the court before which the trial is had. Jurisdiction, not only of the subject-matter, but of the person. The person in the present case is the State of Alabama; and "the judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State."—Art. XI of Amendment to the Constitution.

We have never made the State of Alabama a party to any

of the several suits mentioned above, except the said four suits in equity, instituted in the name of the State. We intend to pursue this policy so long as we are counsel for the State against the Alabama and Chattanooga Railroad. Neither the property of the Alabama and Chattanooga Railroad Company conveyed by the mortgage, nor the State's claim therein, can be sold except in one of two ways: a sale by the trustees under the power of sale in the mortgage, or a judicial sale under a decree of the chancery court, foreclosing the same. No human ingenuity can devise a plan, other than one of these, by which said property can be sold and a title conveyed, without the consent of every party interested.

There are obstacles in the way of speedy foreclosure in chancery, which can not be obviated. Not the least of them is the fact that the foreclosure must be obtained in four different courts, in as many jurisdictions, each independent of the rest. The four chancery suits now pending in favor of the State will suffice for the complete foreclosure of the mortgage.

BANKRUPT PROCEEDINGS.

Three several proceedings in bankruptcy, as above shown, have been instituted against the Alabama and Chattanooga Railroad Company. Without committing the State in that court by an appearance, we, nevertheless, opposed adjudication in the district court of Tennessee, because we did not believe it had jurisdiction of the corporation, chartered as it was by the State of Alabama. We believe that the legislation of Tennessee, Mississippi and Georgia did not create, but only recognized an existing corporation, and gave it certain powers within their respective limits. Hence, it was our opinion that only the district court of Alabama had jurisdiction in bankruptcy of said corporation. We had other objections to the adjudication in Tennessee.

When the second petition was filed by W. A. C. Jones in the district court for the middle district of Alabama to have said corporation adjudged an involuntary bankrupt, we resolved to pursue the course we had theretofore pursued: not to commit the State of Alabama to the proceedings by any appearances in its name. Our plan was to hold the rights and privileges of the State in reserve, that we might appeal to a higher tribunal, should the proceedings in the bankrupt court take such direction as to render an appeal necessary. With this reservation, we took no steps in opposition to the adjudication. Met by difficulties in the administration of the affairs of the corporation in the four separate chancery courts, we hoped that through the proceedings in bankruptcy all the

claims and liens on the road, save those in favor of the States of Alabama and Georgia, would be so adjudicated and settled as that the State, without further molestation, could make final disposition of its interest in the road. We could not believe the bankrupt court would claim the right to adjudicate the State's claim, or to adjudicate or dispose of the State's lien; and if such claim were made, it was our purpose to oppose it in every manner available to us.

With these views we had an interview with the counsel for the assignees, soon after their selection, and found their views, freely expressed to us, coincided with our policy above marked out. This plan, if carried out, will, we believe, but promote the interests of the State. On the other hand, we cannot conceive that in such proceeding the interests of the other creditors of the corporation will be disregarded. In the sale of the road under such order, the other creditors could become purchasers—using in the purchase their claims on the road against the money of other bidders.

We have hoped, and still hope, that a sale thus conducted will result in a purchase by some responsible company or party in the interest of creditors, whose claims are subordinate to the State's, and that such purchaser, by negotiation, would take the place of the corporators, and thus relieve the State of all liability for interest on the bonds, and the vexed problem of attempting to operate the road on State account.

In this connection, it may not be out of place to refer here to the written opinion given by three of us to General James H. Clanton, on the 16th day of August, 1871. We there, among other things, said: "If some individual creditor of that company should succeed in obtaining a valid adjudication of involuntary bankruptcy against that corporation, the sale of the entire road would be more expeditious, and it probably would sell for more in that way than in any other."

What is to be the final result of these bankrupt proceedings, we cannot know.

There will probably be delay, more or less protracted, before any final action will be reached. In the meantime, the road must remain under its present management, unless the control is wrested from the hands of the receivers by some process, the legality of which we do not acknowledge. If the attempt to put the road in bankruptcy finally fails, the road and its property must remain as they now are until the interest paid by the State is refunded, or until there is a foreclosure of the mortgage liens of the State. To meet these several contingencies, we respectfully suggest that legislative action is necessary. We have prepared a bill, herewith submitted, for the consideration of the legislature, to be entitled,

"An act to adjust the claim of the State on the Alabama & Chattanooga railroad on account of endorsed bonds and interest thereon." In that bill we have attempted to supply the defects in existing laws, so far as such defects tend to hinder or delay the State in the enforcement of its claims on the Alabama & Chattanooga Railroad Company. We indulge the hope that the bill will command the serious consideration of the legislature, and that the substance of its provisions may become the law of the land.

Throughout our professional connection with the matter discussed above, we have earnestly hoped that some adjustment could be made which would save the State and render it unnecessary longer to hold possession of the road. To this end we gave our assent to, and assisted in procuring delays in the bankrupt proceedings heretofore mentioned. When the new board of directors was elected, of which W. F. Drake is President, we advocated postponement that we might ascertain the spirit and purpose of that board, and its willingness and ability to pay. We soon became convinced that we had nothing to hope for from that quarter; and the conduct of Mr. Drake since that time has only confirmed our convictions then formed. The only proposition for adjustment that was ever made to us was submitted by Judge Rice, the date not noted or remembered, but it was early in October, 1871—certainly before the election of the new board of directors. His proposition was submitted orally, but was reduced to writing by one of our number, and was corrected and approved by Judge Rice. When asked by us, in whose behalf he made the offer, he did not inform us. We did not believe the parties represented by Judge Rice could or would repay to the State the interest it had paid for the road. Still, we gave the proposition serious consideration. Our conclusion was, that on the whole, the proposition could not be accepted; and we so informed Judge Rice in our communication to him of October 18th, 1871. A copy of our said communication is herewith submitted as note. Some corrections of our statement of Judge Rice's proposition were afterwards made under his direction; and the paper herewith submitted contains his corrections. Since that time we have received no proposition of any kind which looked to an adjustment.

We are, very respectfully,

Your obed't servants,

STONE & CLOPTON,
EDMUND W. PETTUS,
WATTS & TROY.

January 31, 1872.

[NOTE.]

Hon. S. F. Rice:

Sir—You have submitted for the consideration of Governor Lindsay and his attorneys, the following proposition in behalf of the Alabama & Chattanooga Railroad Company, as a basis of adjustment of the complications between the State and the Company, viz:

1st. The company is to repay to the Governor, for the State, all the interest paid by the Governor on the bonds of the company indorsed by the State; and also repay such legal interest as has been paid or incurred in making such payment. (This payment is to be made, we suppose, in such currency as the Governor has been required to pay.)

2d. The question of the two millions of bonds loaned by the State to the company and of the interest thereon, paid or to be paid by the Governor, to be left, upon the state of the facts as they existed on the ninth (9th) of March, 1871, until the courts shall settle and determine the liability of the State thereon, on such state of facts existing on the 9th of March, 1871, independently of anything since done by the Governor: The said Railroad Company not to be held as admitting the validity of said indorsed bonds, or of said indorsements.

3d. On payment, by the company, of the interest on the indorsed bonds heretofore paid by the Governor, and the aforementioned legal interest thereon, the road and other property of the company heretofore seized by the authority of the State, or at the State's instance, to be surrendered to the company, such company not to be disturbed in possession thereof by the State until some future default by the company, in not paying principal or interest on said indorsed bonds, or until some default in not paying principal or interest on said two millions of bonds loaned, occurring after the courts of the country shall settle and determine the liability of the State on such last-mentioned bonds. The injunction as to the sale of the lands of the road to stand of force until such settlement by the courts of the said question of the State's liability.

4th. The State not to waive or impair any lien it may have, by anything herein; and the question of the State's liability on the two millions of bonds loaned, or on the indorsements of the said other bonds so far as the company is concerned, not to be in any manner affected by any effect that may be given to anything done by the governor since March 8th, 1871.

This proposition as a whole cannot be accepted for the following reasons:

1st. The governor has no power to bind the State not to

assert all its rights, and not to resort to all remedies it may have for its security or indemnification, in the matter of the two millions of bonds loaned; and any promise he might give to withhold the assertion of such rights *until the question of the liability of the State on such bonds is settled by the courts*, would not only be unauthorized—but if authorized, might tie up the State in the matter of its remedies for an indefinite period, and until the securities themselves would become much less adequate to a just measure of indemnity. In the assertion of such rights, and in resorting to such remedies, the company might be necessarily disturbed in its possession of the railroad, or some of its property.

2d. Two or more applications in as many States, are now pending to have the Alabama & Chattanooga railroad declared an involuntary bankrupt. The telegraph informs us that the road has been adjudged a bankrupt in the district court of the southern district of New York. Strong *ex-parte* proof has been made of several acts of bankruptcy by the company. A very grave question meets us at the threshold: can the State of Alabama, having this information, and believing, if not knowing, that the railroad is insolvent, safely agree to accept from this bankrupt corporation payment of its present claim, made with assets other than those upon which it holds a mortgage, and in consideration of such payment discontinue legal proceedings already instituted? Would not such preference be a fresh act of bankruptcy by the corporation; and would not the acceptance on such agreement bring the State under the influence of the 39th section of the bankrupt law, which not only compels the surrender of the money to the assignees, but deprives the creditor of all right to prove his demand in bankruptcy? We feel sure it would. We are only anxious to protect the interests of the State, and are exceedingly solicitous to keep the road out of bankruptcy. We believe all interests will be promoted by an amicable adjustment. If we can be assured that the new board of directors will, in good faith, enter upon their trust, and so manage the road as to keep it out of bankruptcy, or if, *in any way*, we can be assured the road will be kept out of bankruptcy, we will very gladly accept the interest, and surrender possession of the road and its property, and will feel we have thereby best subserved the interest of the State. All our hesitancy in this connection hinges on the fear we entertain of compromising the State in the bankrupt court. We are not prepared to say the company may not, by repaying to the State the interest it has paid on the indorsed bonds, repossess itself of the road and its property, under section 8 of the act to establish a system of internal improvements in the State of Alabama. The exercise of that statutory right

by the corporation, in such manner as to violate no provision of the bankrupt law, will meet our hearty approval.

We are, very respectfully,

Your obedient servants,

STONE & CLOPTON,
WATTS & TROY.

A bill to be entitled an act to adjust the claim of the State on the Alabama & Chattanooga railroad on account of indorsed bonds and interest thereon.

Be it enacted by the General Assembly of Alabama, That the governor be, and he is hereby authorized and empowered, whenever in his judgment the interest of the State requires it, to consent on behalf of the State to a sale of the Alabama & Chattanooga railroad, and all the property, real and personal, rights, franchises and privileges, of the Alabama & Chattanooga railroad company embraced in and covered by the first mortgage and trust deed of said company, free and discharged of all lien or claim on behalf of the State, except the lien of said first mortgage and trust deed, and the lien and claim secured to the State by the laws authorizing the indorsement by the State of the first mortgage bonds of said company, and to agree that the purchaser at said sale, on assuming to pay the principal and interest of the bond of said Alabama & Chattanooga railroad, amounting to four million seven hundred and twenty thousand dollars, issued under and secured by said first mortgage and trust deed, shall be subrogated to the rights of the said Alabama & Chattanooga railroad company, under the first mortgage and trust deed, except as hereinafter provided.

SEC. 2. *Be it further enacted,* That such purchaser shall not be entitled to the possession of said railroad and property, unless he gives bond as hereinafter stated, until he pays into the treasury of the State the amount which the governor shall have paid out as interest on said first mortgage bonds, together with all interest and expenses incurred by the State in paying said interest, and also all costs and expenses incurred by the State in the seizure of the said Alabama and Chattanooga railroad, and the litigation incident thereto, which shall not have been repaid from the income and profits of said railroad.

SEC. 3. *Be it further enacted,* That the governor is hereby authorized to appoint three commissioners, who shall audit the accounts of the receiver of said railroad, and all claims against the State for costs and expenses incident to said seizure and litigation, and certify the amount of the same to the

auditor of public accounts, and shall ascertain and state the amount to be paid into the treasury by the purchaser of said railroad under section two of this act.

SEC. 4. *Be it further enacted*, That said commissioners, before entering on the discharge of their duties, shall take the oath prescribed for civil officers in this State, and any vacancy in the board shall be filled by appointment by the governor; said commissioners must give notice, by publication for thirty days in some newspaper published at the capital, of the time and place when and where they will meet to audit and pass upon all claims against the State, such meeting to be not less than thirty nor more than sixty days after such sale; said claims against the State must be presented to said commissioners at the time of said meeting, or within thirty days thereafter; and all claims against the State in any manner arising from the seizure of said railroad, or the litigation incident thereto, not presented to said commissioners within the period aforesaid, and allowed by them, are forever barred.

SEC. 5. *Be it further enacted*, That it shall be the duty of the attorney general to attend the meetings of said commissioners, and protect the interests of the State and the purchase of said railroad; and any claimant may appear in person or by attorney. Any party interested may summons witnesses to appear before said commissioners, and the said commissioners or any two of them are vested with all the powers of a circuit court to take testimony or examine witnesses and compel their attendance. Witnesses attending before the commissioners shall be entitled to the same pay and mileage as witnesses attending the circuit court of Montgomery county. Witness fees and all other costs must be paid by the party at whose instance such costs were incurred.

SEC. 6. *Be it further enacted*, That said commissioners shall each receive eight dollars per day while actually engaged in the discharge of their duties under this act, and may employ a clerk at not exceeding six dollars per day while actually employed, and may procure necessary stationery. The expenses of the commissioners as authorized by this section shall be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 7. *Be it further enacted*, That the auditor shall draw warrants on the treasurer for the payment of all claims certified to him by the commissioners, and not already paid by the State, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 8. *Be it further enacted*, That the purchaser of said railroad shall pay into the treasury of the State the aggregate amount of the claims and expenditures by the State, certified

by the commissioners to the auditor of public accounts, except the expenses of said commissioners. It being the true intent and meaning of this act, that such purchaser shall save the State harmless from all loss or damages on account of the failure of said company to pay the interest on its bonds indorsed by the State, and on account of the seizure of said railroad in consequence thereof.

SEC. 9. *Be it further enacted*, That the Governor be, and he is hereby required, at the request of such purchaser, to indorse on behalf of the State the bonds of such purchaser for the amount paid by him into the treasury of the State, such bonds to bear interest at eight per cent. per annum, and to be payable, both principal and interest, and in all respects as such first mortgage bonds of the Alabama & Chattanooga Railroad Company; and said bonds when so indorsed shall constitute a part and parcel of the first mortgage on the said railroad and other property, rights, franchises and privileges embraced in and covered by said first mortgage and trust deed of the Alabama & Chattanooga Railroad Company, and all the provisions of the laws under which said first mortgage bonds were indorsed by the State, are hereby made applicable to the bonds indorsed under this act. It being the true intent and meaning of this act, that said bonds indorsed under this act, together with said four millions seven hundred and twenty thousand dollars of the said first mortgage bonds, shall constitute a lien without deed upon the entire road, right of way, grading, bridges, masonry, iron rails, spikes, chairs, and the whole superstructure and equipments, depots, depot stations, machine shops, and all the property owned and held as incident to or necessary for the business of operating said railroad, or that may hereafter be purchased or acquired for that purpose, and it shall not be lawful for said purchaser or any other person to give, create, or convey any lien, incumbrance, or mortgage of any kind which shall have priority over or come in conflict with the lien created by the indorsement of bonds under this act. And the said lien or mortgage of the State shall have priority, together with the lien and mortgage of the State to secure its indorsement of said first mortgage bonds, over all other claims existing or to exist against said railroad and other property; *Provided*, that before indorsing said bonds under this act, the Governor shall require said purchaser to execute a mortgage and trust deed to three trustees, to be named by the Governor, conveying said railroad and other property, to secure the payment of said bonds, with provisions and stipulations substantially similar to said first mortgage and trust deed of the Alabama & Chattanooga Railroad Company.

SEC. 10. *Be it further enacted*, That the word purchaser, in this act, shall be construed to mean any person or association of persons, or company, who may become the purchaser of said railroad or other property.

SEC. 11. *Be it further enacted*, That on said purchaser's entering into bond in the sum of two millions of dollars, payable to the State of Alabama, and with securities resident in this State, to be approved by the Governor, with condition to pay into the treasury of the State the sum required by this act to be paid by him, so soon as the same is ascertained and certified by said commissioners, and to complete and equip said railroad in first class style within twelve months next thereafter, the Governor is authorized and directed to surrender to said purchaser the possession of said railroad and other property embraced in and covered by said first mortgage and trust deed of the Alabama & Chattanooga Railroad Company, and to dismiss all suits or proceedings to foreclose the same.

SEC. 12. *Be it further enacted*, That the Governor and said commissioners are hereby authorized and empowered to negotiate and effect a settlement of the claim of the State against said Alabama & Chattanooga Railroad Company, arising from its failure to pay interest on its bonds indorsed by the State, and the consequent seizure of the road substantially on the basis herein provided.

SEC. 13. *Be it further enacted*, That all indorsements of the bonds of the Alabama & Chattanooga Railroad Company, purporting to have been made by the State of Alabama, or the Governor thereof, except said bonds amounting to four millions seven hundred and twenty thousand dollars, are hereby declared to be illegal and void.

SEC. 14. *Be it further enacted*, That the Governor and said commissioners are hereby authorized and empowered, if, in their judgment, the interests of the State of Alabama require it, to adjust on equitable terms, with the proper authorities of the State of Georgia, the conflicting claims of the State of Alabama and the State of Georgia, growing out of the indorsement of the bonds of the said Alabama & Chattanooga Railroad Company by said States.

SEC. 15. *Be it further enacted*, That in the event of a sale of the Alabama & Chattanooga Railroad, and of the property, rights, franchises and privileges of the Alabama & Chattanooga Railroad Company, embraced in and covered by the first mortgage and trust deed of said company, under judicial proceedings foreclosing the same, the Governor and said commissioners are hereby authorized to bid for the same, on behalf of the State, to the amount of said first mortgage

bonds, to-wit: four millions seven hundred and twenty thousand dollars, and all interest which the State shall have paid thereon, and the amount which the State shall have expended or become liable to pay, by the failure of said company to pay interest on said bonds, and by the seizure of said rail road, and the litigation incident thereto.

Said message was received.

On motion of Mr. Farden, one thousand copies were ordered to be printed and referred to the Committee on Internal Improvements.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 1, 1872.

Mr. President:

The House has passed Senate bills as follows:

For the consolidation of the Mobile and Northwestern Railroad railroad companies of Alabama and Mississippi, and to ratify the same.

To ratify and confirm the action of the municipal authorities of the city of Mobile in reference to the Mobile & Northwestern railroad company.

To make the clerks of the circuit courts of Hale, Crenshaw and Barbour counties *ex-officio* clerks of the county courts.

To prohibit the sale of vinous or spirituous liquors at or within two miles of Liberty Church and Central Academy, in the county of Bullock.

For the relief of William C. McIver, administrator of the estate of Seaborn Jones, deceased.

To prevent the selling of spirituous or vinous liquors within three miles of Liberty, Midway, and Rehoboth churches, in Montgomery county.

To fix the time of holding the circuit courts in the seventh judicial circuit.

To amend section 1721 of the Revised Code.

To authorize the removal of the guardianship of W. A. Gholson to the probate court of Bullock county.

To prevent the sale of spirituous liquors within two miles of Hickory Bend church, in Montgomery county.

And has amended as therein shown and passed Senate bills as follows:

To authorize Mrs. Lydia A. Ausborn to sell certain land, therein described.

To repeal sections 3931, 3935, 3936, 3937, 3938 and 3939 of

the Revised Code of Alabama, so far as the same relates to the counties of Covington and Marengo.

To authorize Mrs. Phereby Roberson to sell certain lands, therein described.

To authorize J. W. McBruyn, of Coosa county, to sell certain real estate.

To prohibit the sale of liquors within three miles of Socaptoy chapel or church house of the M. E. Church South, in Coosa county.

The House has originated and passed bills as follows:

To revive the charter of the town of Salem, Lee county.

To repeal "An act to suppress murder, lynching, and assaults and batteries," so far as it relates to the county of Marion.

To repeal "An act to suppress murder, lynching, and assaults and batteries," approved December 28, 1868, so far as the same relates to the counties of Butler and Clay.

To prevent camp hunting in the county of Marion.

To accommodate the voters in elections for members of the commissioners court of Coffee county.

To amend an act changing the name of Laura Terry, of Geneva county.

To prevent the sale of spirituous or vinous liquors within two miles of Black Jack church, in Bibb county.

To prevent the sale of spirituous or vinous liquors within three and a half miles of Syllacauga, in Talladega county.

To relieve James E. Knott and William M. Knott, minors, of Sumter county, from making annual settlements of his guardianship in the probate court for three years.

To protect the owners of oyster beds in the waters of Alabama.

To prevent the obstruction of the free passage of fish into and out of the waters of Flint Creek, Morgan county.

To compensate L. F. Elliott, late jailor of Shelby county, for feeding certain prisoners.

For the relief of Mrs. Hannah T. Newman, of DeKalb county.

For the relief of Peter M. Ragsdale and J. C. Coleman, of Marshall county.

To authorize and empower Irvine, of Muscogee county, Ga., to administer upon the estate of James Terry, in Russell county, Alabama.

To remove the administration of the estate of James Gordy, deceased, from the probate court of Barbour county into the probate court of Russell county.

To repeal an act entitled an act to enable the commissioners courts of St. Clair, Walker and Choctaw counties, respect-

ively, to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties, approved February 7, 1870, so far as the same relates to the county of St. Clair.

For the protection of mechanics in this State.

ELLIS PHELAN,
Clerk House Representatives.

HOUSE OF REPRESENTATIVES, }
February 1, 1872. }

Mr. President:

The House has originated and passed the following bills:

To regulate the enclosure of stock in a portion of the county of Greene therein described.

To define the corporate limits of the town of Livingston, in Sumter county.

ELLIS PHELAN,
Clerk House Representatives.

Senate bill—

To establish a State board of health.

Was read three times and recommitted to the same committee.

Senate then adjourned until 10½ o'clock to-morrow morning.

FORTY-FIFTH DAY.

FRIDAY, February 2, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Gwinn, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Glass, Hinds, Johnston, Jones, King, Lambert, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Whitney and Worthy—25.

READING OF JOURNAL.

Journal of yesterday was read and approved.

RECONSIDERATION.

On motion of Mr. Oliver, the Senate reconsidered the vote concurring in the adverse report to House bill—

To increase the pay of witnesses in attendance upon the courts in Greene county, except justices courts.

On motion of Mr. Jones, the bill was amended by extending its provisions to Marengo county.

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To protect the owners of oyster beds in the tide waters of Alabama;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prohibit the sale of spirituous or vinous liquors within three miles of Pleasant Site church, in Franklin county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prevent the sale of spirituous or vinous liquors within two miles of Black Jack church, in Bibb county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prohibit the sale of spirituous or vinous liquors within one mile of Camp Hill church, in Tallapoosa county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prohibit the sale of spirituous, vinous or malt liquors within one mile of Spring Hill Academy, in Pickens county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within one mile of Antioch Baptist church, in St. Clair county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prohibit dealing in vinous, spirituous or malt liquors within two miles of Salem church, in Clarke county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prohibit retailing spirituous, vinous or malt liquors within two miles of the court house at Grove Hill in Clarke county;

House bill—

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within three miles of "New Cubahatchee" Baptist church, in Macon county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend an act entitled an act to prevent the selling of liquors within four miles of Mount Zion, New Lebanon, Providence and Fair Prospect churches, in Montgomery county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prevent the sale of spirituous liquors within two miles of Mulberry College, Blount county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prevent the selling of vinous or spirituous liquors within one mile of Soule Chapel, in the county of Chambers;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prohibit the sale of intoxicating liquors within three miles of the academy, Baptist and Methodist churches, at Helicon;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To accommodate the voters in elections for commissioners court in Coffee county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend an act changing the name of Laura Terry, of Geneva county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To incorporate the town of Spring Hill, in the county of Pike.

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To incorporate the town of Abbeville, in the county of Henry;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize and empower Daniel McClellan to convey by deed to Charles A. Ingram certain lands in the county of Henry;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To validify a sale of certain lands in the county of Henry;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To repeal an act to register and pay the debt of Sumter county, approved March 1, 1870;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize Isaac M. Johnson, guardian of John A. Lowe, and William A. Lowe, to sell the land belonging to his said wards, without making application, proof, and obtaining an order of sale;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize W. R. Head, administrator *de bonis non* of W. F. Faulkner, to sell the land of the estate without an order of court;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize Theophilus L. and George H. Fountain, or either of them, citizens of Georgia, to qualify as executors of the estate of B. B. Fountain, deceased;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To remove the administration of the estates of James S. H. and Andrew S. Davis from the county of Butler to the county of Crenshaw ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To require the corporate authorities of Troy to make and publish a statement of the amounts collected and paid out by their authority ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the relief of Mrs. Elizabeth Parish, wife of James L. Parish, of Montgomery county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize the commissioners court of Jackson county to levy a special tax, from year to year, to pay off the indebtedness of said county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To repeal section 4 of " An act to establish and incorporate a male and female academy at Rehoboth, in the county of Wilcox," approved February 9, 1852 ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To incorporate the Protection Hook and Ladder Company No. 1, of Selma ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To regulate the enclosure of stock in a portion of the county of Greene, therein described ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on agriculture and manufactures.

House bill—

To prevent the sale, gift or delivery of any fermented, vinous or spirituous liquors within $3\frac{1}{2}$ miles of Syllacauga, in Talladega county ;

Was read twice forthwith, under suspension of the constitutional rule, and ordered to a third reading.

House bill—

To prohibit the sale of vinous or spirituous liquors within two miles of town creek church, Dallas county ;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Jones, the bill was amended by extending its provisions to "Van Dorn Station, on the Alabama Central railroad, in Marengo county ;"

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prohibit the sale of vinous or spirituous liquors within three miles of "Stonewall Institute," in the county of Dallas;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

House bill—

To prohibit the sale of spirituous liquors within two miles of Ceder Hill church, in Cherokee county ;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Sanford, the bill was amended, so as to prohibit the sale of liquors within one and a half miles of "Union Grove Methodist Episcopal Church," in Cherokee county ;

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prevent the sale of spirituous liquors within two miles of Charcoan church, in Sumter county ;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Farden, the bill was amended by striking out in the next to the last line of section 2 the words, "and cost ;"

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prevent the sale of vinous and spirituous liquors within two and a half miles of Bradford Chapel church, in Macon county ;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Jones, the bill was amended, by extend-

ing its provisions to the "Methodist Episcopal church near Linden, Marengo county ;"

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prohibit the sale of spirituous, vinous or malt liquors within two miles of Kennedale cotton mills, in Tuscaloosa county ;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Sanford, the bill was amended in the last line of section one, by striking out the words, "except for medical purposes ;"

Thus amended, the bill was read a third time forthwith, and passed.

House bill—

To prohibit the sale of spirituous or vinous liquors within three miles of the Methodist Episcopal church at Warrior Stand, Macon county ;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Lambert, the bill was amended in the last line of section one, by striking out the words, "except for medical purposes ;"

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prevent the selling of liquors within four miles of Bethsaida and Hopewell churches, in Montgomery county ;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Farden, the bill was amended by striking out "four miles" and inserting "two miles ;"

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule and passed.

House bill—

To prevent the sale or giving away of spirituous liquors within two miles of Little Zion church, in Montgomery county ;

Was read and indefinitely postponed.

House bill—

To prohibit the sale of vinous or spirituous liquors within three miles of New Hope church in Macon county ;

Was read and ordered to a second reading.

House bill—

For the relief of Howard College ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

Yeas 19, nays 2.

Those who voted in the affirmative are :

Messrs. Barr, Coon, Glass, Johnston, Jones, King, Lambert, Mabry, Mahan, Martin of Tuscaloosa, Pennington, Richards, Sanford, Sevier, Sibley, Steward, Stow and Worthy—19.

Those who voted in the negative are :

Messrs. Bromberg and Oliver—2.

Mr. Steward moved to reconsider said vote ;

Which motion, on motion of Mr. Barr, was laid on the table.

Mr. Bromberg presented the following reasons for his vote :

STATE OF ALABAMA,
SENATE CHAMBER,
Montgomery, February 2, 1872. }

I object to the House bill entitled “ an act for the relief of Howard College,” on the grounds that it gives *quasi* State indorsement and advertisement of a particular life insurance company, and gives also a *quasi* official recognition of a particular sect of the Protestant church. Had the name of the company and that of the denomination been stricken out, I should have voted for the bill.

FRANK BROMBERG.

House bill—

To establish an election precinct in the county of Marengo, to be known as Nixon's Store ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

The vote on the passage of said bill—

On motion of Mr. Jones, was reconsidered and the bill laid on the table.

House bill—

To exempt certain property therein named from levy and sale under execution or other final process of any court of the State, issued for the collection of a debt ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To allow action for the recovery of damages for injuries to

the person, to be revived in the name of the personal representative of the deceased plaintiff;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To amend section five, nine and fourteen of an act entitled "an act in relation to the chancery courts in Alabama," approved August 12, 1868;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To make valid the record of conveyances which were recorded between the 11th day of January, 1861, and the 21st day of September, 1865;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To require the rendition of decrees of the court of chancery in term time;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To revive the charter of the town of Salem, Lee county;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organization.

House joint memorial—

Joint memorial of the General Assembly of Alabama, to the Congress of the United States, for a grant of public lands along the route of the Decatur and Aberdeen railroad, in aid of the construction of said road, and also, of a branch of the same, to the city of Columbus, Mississippi;

Was read and adopted.

House joint memorial—

Relative to a steamboat canal between the Tennessee and Coosa rivers;

Was read and referred to the committee on federal relations.

House bill—

To authorize proceedings in courts of probate, against unknown heirs of deceased persons;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To authorize the issuance of possessory warrants in certain cases ;

Was read twice forthwith, under suspension of the constitutional rule, and indefinitely postponed.

Reports of select committees—

Mr. Farden, from select committee, reported favorably to House bill—

To exempt from administration property of decedents and vest title in the widow or child or children ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Mr. Whitney, from select committee to investigate the condition and management of the Alabama and Chattanooga railroad since the seizure of the road by the State of Alabama, submitted the following report in printed form :

REPORT OF THE SPECIAL SENATE COMMITTEE.

To the Senate of Alabama :

On the 19th day of December, 1871, the following resolution was referred to the undersigned as a special committee :

“Resolved, That a committee of three on the part of the Senate be appointed by the President of the Senate, with power to send for persons and papers, and to sit during the recess, whose duty it shall be to investigate and report upon the management and condition of the Alabama & Chattanooga Railroad, since said railroad was seized and has been managed by the State of Alabama, or its agents ; said committee shall ascertain the number of tons of railroad iron belonging to the said Alabama & Chattanooga Railroad which has been sold by said agents, and by what authority and at what price ; what locomotives have been sold or hypothecated ; what disposition has been made of the funds derived from such sale and hypothecation of property ; what improvements have been made by said agents on said road ; the amount of receipts and expenditures, and how said receipts have been applied, &c., and report by bill or otherwise at as early a day as possible.”

Under the foregoing resolution, we have summoned witnesses and ordered persons and papers for examination.

All of the witnesses summoned have appeared and testified ; but Maj. H. F. Wheeler, assistant superintendent, and R. C. Randolph, treasurer, have refused to bring their books and papers before your committee, though ordered to do so.

We hereby submit the testimony elicited, and respectfully request to be discharged, with a recommendation, however, that the testimony be published and laid before the general assembly.

We recommend to the Senate and the General Assembly such immediate action as may be necessary to an efficient management for the Alabama & Chattanooga Railroad, and to secure and preserve the best interests of the State as endorser for the bonds of the same.

Respectfully submitted,

C. O. WHITNEY,
JOHN M. MARTIN,
J. L. PENNINGTON.

Montgomery, Ala., January 26, 1872.

TESTIMONY.

TESTIMONY OF W. A. CRAWFORD.

Q—What is your name, age, residence and occupation?

A—My name is W. A. Crawford, am thirty-three years of age, and reside in Chattanooga, Tennessee. I was road master on the Alabama & Chattanooga Railroad from Meridian to Tuscaloosa, at the time said road was taken possession of by the State of Alabama.

Q—How long were you connected with the Alabama & Chattanooga Railroad?

A—From February, 1869, to June, 1871.

Q—Do you know all the work done on the said road at the time the State took possession of it?

A—I do.

Q—Could you be able, by going over the road, tell how much, if any new work, was done on the road since the State took possession?

A—I could.

Q—Do you know how much railroad iron was left over on the line of the said road after the completion of the main track?

A—I think there was from six to eight miles of iron left over.

Q—Do you know what has become of that iron?

A—I do not; but know it has been shipped off since the State took charge of the road.

Q—Was the iron removed from the road taken from that part of the road that you had charge of?

A—It was.

Q—Do you know of the sale by hypothecation or other disposition of any locomotives belonging to the Alabama & Chattanooga Railroad?

A—I know that the locomotive D. N. Stanton, (No. 11,) was the property of the Alabama & Chattanooga Railroad at the time of the seizure of said road by the State of Alabama, and that the said locomotive is now in the possession of the Alabama Central Railroad Company, and has been used in regular service on said road; said locomotive was transferred to the Alabama Central Railroad Company in the early part of the month of August, 1871.

Q—Do you know by whose authority such disposition of said locomotive was made?

A—I suppose the disposition to have been made by order of H. F. Wheeler, the assistant general superintendent of the Alabama & Chattanooga Railroad at that time.

W. A. CRAWFORD.

Sworn to and subscribed before me, this the 6th day of January, 1872.

C. O. WHITNEY, Chairman,
Senate committee.

TESTIMONY OF WILLIAM JOHNSON.

Q—What is your name, age, residence and occupation?

A—My name is William Johnson, am thirty-seven years of age, reside in Springfield, Illinois, and by occupation am a railroad engineer.

Q—Were you at any time connected with the Alabama & Chattanooga Railroad?

A—I was not.

Q—How long have you been in railroad business?

A—Twenty years.

Q—Have you at any time been engaged in the construction of railroads?

A—I have.

Q—Do you think you could correctly estimate the cost of work done on the Alabama & Chattanooga Railroad since

the seizure of said road by the State, if said work were indicated to you?

A—I think I can.

WILLIAM JOHNSON.

Sworn and subscribed to, this 6th day of January, 1872.

C. O. WHITNEY,
Chairman of Committee.

TESTIMONY OF J. C. STONEBURNER.

Q—What is your name, age, place of residence and occupation?

A—My name is J. C. Stoneburner, I am forty-one years of age, reside in Springfield, Illinois, and by occupation a railroad man.

Q—Are you now, or have you been at any time connected with the Alabama & Chattanooga Railroad; if so, when, and for what length of time?

A—I have; I was connected with said railroad as conductor, clerk, &c., from May, 1871, to September, 1871.

Q—When in the service of the Alabama & Chattanooga Railroad Company, where were you located?

A—At Meridian, Mississippi.

Q—Were you at Meridian when the State authorities took charge of said road?

A—I was.

Q—Do you know the person or persons who took charge of the road when said road was seized by the State of Alabama?

A—Col. John H. Gindrat.

Q—Do you know, after the road was thus turned over, who was placed in authority by Col. Gindrat to run and operate said road?

A—H. F. Wheeler was recognized as the acting superintendent under Col. Gindrat.

Q—Do you know anything of any surplus iron rails left over on said road after the completion of the main track?

A—I do.

Q—What was the quantity?

A—I suppose from five to eight miles; lying at Epps, and other points along the road.

Q—Do you know that said iron or any part thereof has been removed from the line of the road?

A—I do.

Q—State by whom, where to, and how much of said iron has been removed?

A—I do not know by whom. Twenty-six car loads of said iron, containing ten tons each, was shipped from Meridian, Mississippi, via Vicksburg & Meridian Railroad and St. Louis Packet Company, consigned to F. L. Cobby, St. Louis, care of the St. Louis Packet Company.

Q—What was the date of such shipment?

A—Between the 10th and 15th of September, 1871.

Q—Was this shipment of iron after the seizure of the road by the State of Alabama?

A—It was.

Q—Do you know to whom sold and at what price?

A—The iron was sold to F. L. Cobby, of St. Louis, for fifty dollars per ton, the money to be remitted on receipt of the iron.

Q—By what means did you obtain this information as to the shipment and sale of said iron?

A—The Alabama & Chattanooga Railroad Company being indebted to me, I followed the iron for the purpose of attaching the same, and thereby ascertained to whom said iron was sold and the price paid therefor.

Q—Was this iron loaded and removed from the line of the Alabama & Chattanooga Railroad secretly?

A—It was. The first ten car loads of said iron was removed from the line of the Alabama & Chattanooga Railroad at night to the line of the Vicksburg & Meridian Railroad.

Q—Do you know of any other property of the said railroad sold or hypothecated by the agents of the State since the seizure of said road?

A—I do.

Q—State what, and to whom, and the facts connected therewith, as far as you know?

A—There are from twelve to fourteen boxes of axes and adzes taken from the company shops at Meridian, Mississippi, to the residence of James McKay, master mechanic of the company at that place, and next day taken to the store of Fallon & Co., in which store H. F. Wheeler was a partner at that time. The locomotive D. N. Staton was transferred at night from the Alabama and Chattanooga Railroad track to the track of the Alabama Central Railroad at York Station, which latter company have been using it ever since.

Q—Do you know that the right to run trains over the

track of the Alabama and Chattanooga Railroad, between York Station and Meridian, has been leased to the Alabama and Central Railroad?

A—I do.

Q—Do you know upon what terms and conditions; if so, state them?

A—Capt. Wallace, superintendent of the Alabama Central Railroad, told me that the right to run trains over said track was leased for one thousand dollars per month, and that ten thousand dollars was advanced to agents of the State, and the locomotive D. N. Stanton hypothecated to secure the payment thereof.

The witness here exhibited the following letters, which he asked to be filed to substantiate his testimony.

J. C. STONBURNER.

Subscribed and sworn to this 8th day of January, 1872.

C. O. WHITNEY,
Chairman Committee.

TESTIMONY OF R. W. CHAPEL.

Q—What is your name, age, place of residence, and occupation?

A—My name is R. W. Chapel; I am thirty-one years of age, reside in Chattanooga, Tennessee, and by occupation a railroad conductor.

Q—Have you ever been connected in any way with the Alabama and Chattanooga Railroad?

A—I have not.

Q—Do you know anything of the sale of any railroad iron by the agents of the State of Alabama, belonging to the Alabama and Chattanooga Railroad; if so, state what you know?

A—I do; I went to St. Louis at the instigation of Mr. J. C. Stoneburner, and there learned that railroad iron belonging to the Alabama and Chattanooga Railroad was sold and consigned to L. F. Cobby, St. Louis; and that said iron was then between Cairo and Vicksburg detained by low water.

Q—Have you ever had any conversation with Mr. Wheeler relative to the sale of said railroad iron?

A—I have.

Q—What was that conversation?

A—Mr. Wheeler told me that he had sold the iron, and

received the money for the same before it left Meridian, Mississippi.

R. W. CHAPEL.

Subscribed and sworn to this 8th day of January, 1872.

C. O. WHITNEY,
Chairman Committee.

TESTIMONY OF R. C. RANDOLPH.

Q—What is your name, age, place and residence and occupation?

A—My name is R. C. Randolph; I am thirty-three years of age, reside in Birmingham, and by occupation Treasurer of the Alabama and Chattanooga Railroad?

A—Since the 16th of August, 1871.

Q—Are you familiar with the property owned by the Alabama and Chattanooga Railroad at the time of the seizure of said road by the State of Alabama?

A—I cannot say that I am.

Q—Do you know of the sale, hypothecation, or other disposition of any iron, locomotives, or other property belonging to said railroad after its seizure by the State of Alabama?

A—I know of a lot of old iron with which the track had been laid between Meridian and York, a part of which had been burned during Sherman's raid having been sold; all of which had been taken up and replaced by new iron.

Q—State the quantity, if you know, of iron sold?

A—I do not know the quantity of iron sold.

Q—Do you know for what sum of money said iron was sold?

A—I do; it sold for four thousand three hundred and twelve dollars, less two hundred and forty-three 25-100 dollars for expenses, as returned to me as treasurer of said railroad.

Q—Do you know of the sale at any time of any new iron, or of any other iron rails than those mentioned in your foregoing answer?

A—I do not.

Q—By whom was the aforesaid iron sold, when, and by whose authority?

A—The iron was sold by H. F. Wheeler, assistant superintendent of said railroad, acting, as I understand, at that time, under instructions from Colonel Gindrat. The sales

took place about the latter part of September, or first of October, 1871.

Q—To whom was said iron sold?

A—I do not know.

Q—Did you as treasurer of said railroad, receive the money from the purchasers, for which said iron was sold?

A—I did; it was sent me by the purchasers, as directed by the assistant superintendent of said road.

RE-EXAMINED.

Q—Did you bring the books and papers connected with your office with you?

A—I did not.

Q—Was there anything to prevent you from doing so; if so, state it?

A—The books and vouchers were in constant use in the office, and could not be taken from there without injury to the interest of the road.

Q—Do you refuse to bring the books and vouchers of your office before this committee?

A—I do not.

Q—Will you bring the books, vouchers and papers connected with your office before this committee?

A—I decline to do so without an order from the general superintendent of the road; but the books, vouchers and papers are subject to the inspection of the committee at my office in Birmingham.

Q—Do you refuse to bring said books and papers before this committee on its order?

A—I do, for the reasons above stated.

R. C. RANDOLPH.

Subscribed and sworn to this 8th day of January, 1872.

C. O. WHITNEY,
Chairman.

TESTIMONY OF H. S. WHEELER.

Q—What is your name, age, place of residence and occupation?

A—My name is H. F. Wheeler; I am thirty-two years of age, reside in Eutaw, Alabama, and by occupation, superintendent of the Alabama and Chattanooga Railroad.

Q—Have you been acting as superintendent of the Alabama and Chattanooga Railroad since the seizure of said road by the State of Alabama?

A—I have; and am still acting in that capacity.

Q—State what you know of the sale, hypothecation or other disposition of any iron rails, locomotives or other property belonging to said railroad, since its seizure by the State of Alabama?

A—I sold some old iron rails that had been taken up and replaced by new rails, between Meridian and York station; supposed to be about one hundred tons; the rails were worn and unfit for use, and only valuable to convert into new rails by re-rolling; there was no new rails sold; the price received for said old rails was about forty dollars per ton; part of said iron was sold to the Vicksburg and Meridian Railroad Company, and to Cobby & Co., St. Louis; said iron brought about four thousand dollars, which amount I received from the parties to which the iron was sold, and turned over to Capt. Randolph, Treasurer of the said railroad.

It is my understanding that Col. Gindrat, the Receiver of said railroad, entered into an agreement with the Alabama Central Railroad Company, by which that company acquired the right to run their trains over that part of the Alabama and Chattanooga Railroad lying between Meridian and York station, for, I think, one thousand dollars per month; and the locomotive, D. H. Stanton, (No. 11,) was transferred to the said Alabama Central Railroad Company as collateral security for an advance of ten thousand dollars made by said Alabama Central Railroad Company to the Receiver of the Alabama and Chattanooga Railroad, which locomotive is to be returned to the Alabama and Chattanooga Railroad when the lease shall liquidate the ten thousand dollars thus advanced. I know nothing of the sale, hypothecation or other disposition of any other property.

RE-EXAMINED.

Q—Are you as assistant general superintendent of the said road not in charge of all the books and papers of said road?

A—I am not.

Q—Who has charge of the conducting and running the Alabama and Chattanooga Railroad?

A—I have, in the absence of Col. Gindrat.

Q—Are the officers and employees of the Alabama and

Chattanooga Railroad, except the Treasurer and Col. Gindrat, subject to your orders?

A—In the absence of Col. Gindrat, they are.

Q—Had you ordered the general ticket agent and other minor officers of the Alabama and Chattanooga Railroad to bring you the books and papers, would they not have done so?

A—They would; all that they could.

Q—Have you ordered those minor officers, &c., to furnish you with the books and papers?

A—I have.

Q—Will you furnish all the books and papers, or a transcript thereof, under your control, and if so, how soon?

A—I will, in ten days, if not ordered otherwise by the general superintendent.

H. F. WHEELER.

Sworn to and subscribed before me, this 8th day of January, 1872.

C. O. WHITNEY,
Chairman.

TESTIMONY OF W. H. SPALDING.

Q—What is your name, age, place of residence, and occupation?

A—My name is W. H. Spalding; I am forty-seven years of age, and reside at present in Montgomery, Alabama; my occupation is railroading and transfer business.

Q—Have you at any time been connected with the Alabama and Chattanooga Railroad?

A—I have; formerly as foreman of construction on said road, and latterly as depot baggage master at Meridian, Mississippi.

Q—Were you in the employ of said railroad after its seizure by the State of Alabama?

A—I was.

Q—Do you know of the removal of any railroad iron from the line of said road after its seizure by the State?

A—I do; Mr. Wheeler and myself loaded five cars with railroad iron between Meridian and Toomsaba, and transferred it to the yard of the Vicksburg and Meridian Railroad at Meridian, Mississippi. Mr. Wagoner, then acting head clerk for Mr. Wheeler, gave me an order to go to the agent of the

Vicksburg and Meridian Railroad and ship said iron to parties in St. Louis, care of Vicksburg and St. Louis Packet Company, which order I obeyed.

Q—Was the iron of which you speak old or new.

A—It was mostly old iron.

Q—Do you know of any new railroad iron lying along the line of said road after its seizure by the State, and prior to the date of the loading and shipping of the aforesaid old iron?

A—I do; there was a pile of new iron rails lying at Toomsuba, and another at Epps, which I saw in passing over the road with Mr. Eagan, on a hand car.

Q—About what quantity of iron was there in those two piles?

A—About ten car loads, or one hundred tons.

Q—Has said iron been removed?

A—It has; but I do not know what became of it.

W. H. SPALDING.

Subscribed and sworn to, this 10th day of January, 1872.

C. O. WHITNEY, Chairman.

TESTIMONY OF JAMES P. STANTON.

Q—State your name, age, place of residence and occupation?

A—My name is James P. Stanton. I am thirty years of age, reside in Chattanooga, Tennessee, and by occupation railroading.

Q—Have you at any time been connected with the Alabama and Chattanooga Railroad, and if so, in what capacity and what length of time?

A—I was superintendent of construction of the northern division from Chattanooga to a point twenty miles below Tuscaloosa.

Q—Can you inform us of the quantity of new railroad iron rails left over on the line of said road after the completion of the main track?

A—On the part of the road of which I had charge there was about sixteen car loads of new iron left over, as estimated by myself and track men on the completion of said railroad track.

Q—Is said iron on the line of said road at the present time, where it was left?

A—It is not.

Q—Was this iron removed before or after the seizure of said road by the State of Alabama?

A—It was removed after the seizure of the road by the State.

Q—Were there any spikes, bolts, fish-plates, &c., left over after the completion of the main track?

A—There was enough to lay the iron that was left over.

J. P. STANTON.

Subscribed and sworn to this 13th of January, 1872.

C. O. WHITNEY, Chairman.

TESTIMONY OF T. J. ALLISON.

Q—What is your name, age, residence and occupation?

A—My name is T. J. Allison, I am thirty-two years of age, reside in Trenton, Georgia, and by occupation railroad master and supervisor.

Q—Have you at any time been connected with the Alabama and Chattanooga Railroad, and if so, for what length of time and in what capacity?

A—I was connected with said road for about twelve months in the capacity of road master of the northern division previous to the seizure of the road by the State of Alabama, and left the road at the time of the said seizure. I was again employed the present month (January,) and am now acting as road master of the northern division of said road. I was well acquainted with the condition of the said road from Chattanooga to Attala, which was in first rate condition; the balance was not so good. The road is now in a much worse condition than it was at the time of said seizure; the rolling stock and track in my opinion has been seriously injured by mismanagement since the road was seized by the State of Alabama. The feeling and sentiments of the employees and citizens along the line of said road is one of universal condemnation of the present management, and many of the creditors of the road have expressed a willingness to relinquish their claims against said road if they could thereby secure a good management; the employees of the road are not being paid or rationed, and great demoralization exists among them. I consider the rates of transportation too ex-

cessive, and merchants and citizens do not consider it safe to ship any freight over the line of said road since the seizure of the road by the State; the said road, in my opinion, was managed and conducted satisfactory to the citizens along the line of said road and all parties concerned previous to its seizure by the State. There is now no regularity between the northern and southern division in the connection of trains, making it very inconvenient for passengers and the public generally. Many of the present employees of the said road are reckless, irresponsible and incompetent. In consequence of not being paid the track hands have all left, and at the present time there are no men to work on the line between Attala and Chattanooga. Gen. Wofford is managing the road from Attala to Chattanooga, and Major Wheeler is managing the road from Attala to Meridian, Mississippi. There is great antagonism between the said managers, and the interests of the road suffers accordingly.

T. J. ALLISON.

Subscribed and sworn to this 15th day of January, 1872.

C. O. WHITNEY, Chairman.

TESTIMONY OF J. C. STANTON.

Q—State your name, age, residence and occupation?

A—My name is J. C. Stanton; I am fifty years of age, reside in Massachusetts, and my occupation is railroading.

Q—Have you at any time been connected with the Alabama and Chattanooga Railroad Company, and if so, for what length of time, and in what capacity?

A—I have been connected with the Alabama and Chattanooga Railroad Company as general superintendent, from the commencement of the work on the railroad about three years ago, and am still connected with said road in the same capacity.

Q—State all you know as to the condition of the road, rolling stock and other property, at the time said road was seized by the State of Alabama; also, what you know of damage done said property, if any, since said seizure, and its present condition; and what you know of the efficiency or inefficiency of the present management of the road?

A—I completed the main track about the 15th day of May, 1871, and run cars through the next day; I run the 295 miles in twelve hours and thirty minutes, making up the deficiency between the Nashville & Mobile time, and running through

in twelve hours. I had built up a good business, had secured the United States mail, and had established a through line from New York to New Orleans, making seven hours shorter time than any other route. The road was in first class condition for a new road, with the exception of about fifteen miles; seven miles of the track diverges from the main line of the road, and was put down temporarily. If the road had not been seized, this temporary track would have been removed to the permanent line; there is some temporary trussel on the line of the road, which I had put down for the purpose of expediting its construction, which would have been replaced in a short time had I kept possession of the road.—The chief engineer estimated that two hundred and fifty thousand dollars would complete the entire road, putting the iron on to the main line, and building permanent trestles in place of the temporary ones; and ballasting the road about forty miles in the worst places, which would have made the road first class in every particular. I offered to do this work for the company for two hundred and twenty-five thousand dollars. Such was the condition of the road at the time of its seizure by the State of Alabama.

There was nineteen locomotives on the road at the time it was seized by the State, eighteen of which was first class; over one hundred freight cars, most of them new and in good condition, six passenger coaches, and two Wadley cars, all of which were first class, and two second class coaches, mail and baggage cars enough to do the business; hand cars and tools of every kind sufficient to keep up the track. I was running, daily, two passenger trains each way, one of which was an express train; one or two freight trains, and was doing a fine business for a new road, which business was increasing daily. The company had machine shops and machinery of all kinds for repairing and building freight and passenger cars for the use of the road, at the time of the said seizure, and was building freight and baggage cars; was building two box cars every three days, or one flat car a day, besides the repairs on the other machinery; we had a large quantity of lumber, car wheels, and other material for the construction of cars, at the time of the said seizure. The company had over four hundred thousand dollars worth of property at Chattanooga when the State took possession of the road, of all kinds of material, stationery, oil, and everything necessary to run a railroad. I believe that if the company was suffered to continue in possession of the road it would have earned in

the first twelve months over one million and a half dollars ; and I think it could have been run for forty or sixty per cent. of the above amount, if properly managed. The road at the present time from Chattanooga to Birmingham does not look as if there had been any or much of any work done on it since its seizure by the State. I have not been over the other portion of the road since said seizure. From what I have seen of the present management of the road I consider it very bad ; I have noticed the rolling stock of all kinds, locomotives, cars, &c., as they came into Chattanooga, and I never in my life saw rolling stock so badly damaged in the same length of time ; it would not bring at the present time one-third of what it was worth when the road was seized by the State. The present assistant superintendent, Major Wheeler, and quite a number of the men under him, who have charge of the said road, are men who I discharged for misconduct and inefficiency. Since they have had charge of the road they have had collisions, run cars off into ditches, and stove them up generally, as I understand. The road, rolling stock and company have been damaged by the seizure more than one million of dollars, and if the road is allowed to be sold in its present condition it will not bring more than one-half as much as it would were it fixed up and put in proper shape, and show the public what it could earn. I believe it could be made one of the best paying roads in the South. If the road is sold now it will bring a *mere nominal sum*, and poor families, mechanics and laborers of all kinds would be the loser ; and it will be bought in by speculators who have made their money by catching up roads in the same condition as this.

J. C. STANTON.

Subscribed and sworn to, this 17th day of January, 1872.

C. O. WHITNEY,
Chairman.

TESTIMONY OF GEN. J. T. WILDER.

Q—What is your name, age, place of residence and occupation ?

A—My name is J. T. Wilder, I am forty-one years of age, reside in Chattanooga, Tenn., and by occupation general superintendent of the Roane iron works at Chattanooga, Tennessee.

Q—Have you ever been connected with the Alabama & Chattanooga Railroad?

A—I have not.

Q—What do you know of the condition of the road when taken possession of by the State of Alabama?

A—I have been over the road after its completion as far as Tuscaloosa. I have never rode over a better road for a new one in any part of the country. The rolling stock was first class and kept in good condition. I am a practical machinist myself and know when machinery is in good condition; for the time it was run it did a good business, giving good satisfaction to people living along the line of the road; never heard of any complaint until after its seizure. Shops, depots and side tracks at short intervals were of the very best; in fact better than on any new road in the South. The manner in which this road was built, depots, shops, side tracks, water tanks, road bed, properly drained, would cost, in my judgment, at least one-fourth more than any new road in the South.

Q—Do you know anything of the management of the road since its seizure?

A—The rolling stock is being run down and out of repair; the upper end of the road bed keeps up wonderfully, being of most excellent material. Below Attala down to Birmingham it is in bad condition, unsafe and dangerous to travel on, while the accommodations for business are totally unequal to the necessities of the people. Business men are unwilling to join in enterprises dependent on the road for their success, they having no faith in the present management. Large iron manufacturers who have investments in mineral lands along its line said to me last month that they had postponed indefinitely any improvements or works along its line, believing that so long as the State operated the road it would be subject to changes inimical to business interests, and especially so to manufacturing enterprises.

Q—What in your judgment has been the damage to the Alabama & Chattanooga Railroad Company by its seizure?

A—That is difficult to estimate. Were the road mine, I should consider the damage at least fifty per cent.

Q—Has the seizure of the road by the State of Alabama been damaging to the interests of the State?

A—The damage to the iron and business interests along the line is in my judgment almost irreparable, occurring as it did at a time when so much enterprise and capital was pre-

paring to embark in the development of the great mineral resources along the region through which the road is located, causing a distrust and delay which nothing but the continuous and successful operation of the road will replace, and postponing their commencement by safe and skillful parties who own the best sites to an indefinite time, throwing the capital into distant enterprises, thus hazarding and delaying the development of the greatest resources of the State, for the development of which this line of road was specially intended.

J. T. WILDER

Subscribed and sworn to, this 18th day of January, 1872.

C. O. WHITNEY,
Chairman,

TESTIMONY OF C. B. WALLACE.

Q—What is your name, age, residence and occupation?

A—My name is C. B. Wallace, I am thirty-six years of age, reside in Selma, Alabama, and by occupation railroading.

Q—State if you have been at any time connected with the Alabama Central Railroad, and if so, in what capacity?

A—I was connected with said road from about the first of July, 1871, to the first of January, 1872, as superintendent.

Q—Did you receive while superintendent of said road a locomotive from the Alabama & Chattanooga Railroad, as security for money advanced the latter road, since its seizure by the State of Alabama?

A—Under contract made between the Alabama & Chattanooga Railroad, by Col. Gindrat, as receiver of said road, and the Alabama Central Railroad Company, I received engine D. N. Stanton, as collateral security for the fulfillment of said contract, which was the lease of the line of the Alabama & Chattanooga Railroad from Meridian, Mississippi, to York Station, for one thousand dollars per month.

CHARLES B. WALLACE.

Subscribed and sworn to, this 18th day of January, 1872.

C. O. WHITNEY,
Chairman,

TESTIMONY OF T. G. GARRETT.

Q—What is your name, age, place of residence and occupation?

A—My name is T. G. Garrett; I am twenty-six years of age; at present I reside in Chattanooga, Tennessee, and by occupation special agent for the State of Alabama, looking after its interest in regard to the Alabama & Chattanooga Railroad.

Q—Have you been over the line of the Alabama & Chattanooga Railroad since its seizure by the State of Alabama; if so, state its condition?

A—I have been over the road between Chattanooga & Birmingham within the last three weeks, and found a portion of the road between Attala and Birmingham in very bad condition.

Q—Are there any section men at work on the line of said road between Attala and Birmingham?

A—I do not know; I have seen none at work, except at Birmingham.

Q—State what you know of the present management of the said road?

A—I know but very little of the management of the road, having been in Chattanooga nearly all the time.

Q—Is the said road receiving any freight from other roads and merchants at the present time?

A—From what I can learn the Alabama & Chattanooga Railroad is receiving but very little; I am informed by merchants and others at Chattanooga that they do not ship by said road, as they do not want their goods to lay over at Attala.

Q—What is the condition of the rolling stock on said road, as far as you know?

A—The rolling stock that has been under my care is in need of repairs, it having been run a long time without proper attention.

Q—Do you know whether or not the employees on said road have been paid regularly since its seizure by the State?

A—I have been informed by the men themselves that they have not been paid regularly, and some have not been paid since October, 1871, and some since November, 1871, and some of them not at all, and there is a good deal of complaint among the men on account of their receiving no pay.

T. G. GARRETT.

Sworn to and subscribed before me, this 23d day of January, 1872.

C. O. WHITNEY,
Chairman Senate Committee.

TESTIMONY OF W. W. SIMPSON.

Q—What is your name, age, place of residence and occupation?

A—My name is W. W. Simpson; I am twenty-seven years of age, reside in Chattanooga, Tennessee, and a book-keeper by occupation.

Q—Have you at any time been connected with the A. & C. R. R., and if so, in what capacity?

A—I have been connected with the A. & C. R. R. for about a year and a half as book-keeper of said road at Chattanooga, Tenn., and am now employed in the same capacity by Gen. Wofford, who is Receiver of said road for the State of Georgia.

Q—State all you know in reference to the management of the A. & C. R. R. since its seizure by the State of Alabama?

A—On the 13th day of last November a contract was entered into between Col. Gindrat and Gen. Wofford in Chattanooga, Tenn., providing for the running of the A. & C. R. R. under their joint management. The contract provided that from the gross receipts of the road, first the running expenses were to be paid; Col. Gindrat was to pay for all construction expenses in Mississippi, Alabama and Tennessee, and Gen. Wofford was to pay all expenses of construction in Georgia; then the freights, if any, were to be divided in proportion to the number of miles of road controlled by each and amount of rolling stock over which they had respectively jurisdiction; the contract also provided that settlements were to be made monthly; either one of the parties to the contract could have it dissolved by giving ten days' notice to the other, or by mutual consent it could be dissolved without notice. Shortly after this Col. Gindrat told Col. W. W. White, the Assistant Superintendent of the road at Chattanooga, in my presence, to draw on Mr. Randolph, who is treasurer of the road, for whatever money he needed to pay debts contracted in running the Chattanooga end of the road. A contract had been made by Col. Gindrat with the superintendent of the N. & C. R. R. (six miles of whose track had to be used in operating the A. & C. R. R.), in which he agreed to pay the N. & C. R. R. one dollar for each loaded car and

locomotive passing over said road. The toll account was presented weekly ; Col. White frequently called on Mr. Randolph for money to pay the toll, without success ; he also drew on him as Col. Gindrat directed, for money to meet other claims, but always failed in getting it. On or about the 5th day of December, 1871, the superintendent of the N. & C. R. R. stopped the running of A. & C. trains over his road, until the toll should be made, which was then due ; in consequence, the running of the train was stopped until the toll was paid, which was about six hours ; all of which was due to the fact that Mr. Randolph failed to send money he was repeatedly asked for by telegraph to meet these tolls ; after that Mr. Randolph sent \$150 00 to pay tolls, and some time after that \$500 00 more for the same purpose, which, I believe, to be all the money ever sent by him to Chattanooga for the use of the road. On the 26th of December, 1871, without giving Gen. Wofford the notice provided for in the contract, or any notice whatever, Col. Gindrat, or his representative, Mr. Wheeler, stopped the trains that were then *en route* to Chattanooga, and have since allowed no trains to run north of Attala, which is eighty-seven miles south of Chattanooga. About the last of December, 1871, Mr. Randolph telegraphed Col. H. T. Price, local treasurer at Chattanooga, to report to him in person with his books and papers ; in obedience to that order, Col. Price and myself reported with books and papers to him at Birmingham, on or about the 4th day of January, 1872 ; we found Mr. Randolph, but he in a few minutes after left for Tuscaloosa, informing Mr. Price that business called him away, and that his assistant, Mr. Burton, would attend to him ; Col. Price and myself called on Mr. Burton, and rendered to him an itemized statement of the cash received and paid from the treasurer's office in Chattanooga ; we called on Mr. Burton for a similar statement ; he promised to furnish it, but failed to do so, after putting us off from time to time ; Col. Price told Burton that Mr. Randolph had said that the road was still due the men along the line about \$8,000, for work done in the month of November ; Burton thought that was a small estimate, and still he said there was no money on hand ; the pay for the work they had done in December was also due the men ; none had been paid for that month's work. Col. Price failed to get any money to pay the men from Attala to Chattanooga ; between those points there are now no men at work on the track, and its condition is getting worse every day ; the men are needy and

are clamorous for their pay, and refuse to work until they are paid. Owing to the stopping of the road at Attala, freights are being sent by way of Dalton to points on the A. & C. R. south of Attala. Travel, is, also, turned in other directions; freights that have been shipped by way of A. & C. R. have been detained many days at Attala. In addition to loss of freight and travel, large quantities of stock are shipped by other routes, that would go by the A. & C. R. R. The through mail that would pay one hundred thousand dollars a year is also lost by the unreliable management of the road.

W. W. SIMPSON.

Subscribed and sworn to this 24th day of January, 1872.

C. O. WHITNEY, Chairman.

TESTIMONY OF THOMAS P. M'MILLIN.

I am twenty-eight years of age, reside in Chattanooga, Tenn., and by occupation railroading. I have been connected with the A. & C. R. for two years and a half as a local freight agent at Chattanooga. I know very little as to the condition of the road, except from heresay, having never been over it; that part of the rolling stock with which I am acquainted is in bad order, cars having been damaged by some of the employees; the authorities in charge of the northern division have had some cars put in running order, sent them out on the line of the road and they were never returned. The road has been so managed by a portion of its officers as to drive off all through freight and passenger trade, there being at the commencement of its operations no favors shown to shippers in the way of tariffs; a short time since, about Christmas, the trains were stopped running through to Chattanooga, by an order from H. F. Wheeler; this very materially crippled its operations, as parties could not tell anything about when they could get their goods, or what it would cost them; parties along the line of road then ordered their freights by other routes; since the stoppage of through trains, persons below Attala have been unable to get anything shipped to Chattanooga or points beyond, and connections were so frequently missed by mail trains that passengers ceased to travel this route. Freights have frequently been taken from my depot by merchants here, under order from consignees, and sent round by S., R. & D. R. R., they alleging that it took a month

to get goods from Chattanooga to their respective stations ; shippers in many instances have had goods thrown back upon them by delays. The business we are now doing is almost done exclusively with the M. & O. cars, no A. & C. cars being permitted to run north of Attala.

T. P. McMILLIN.

Subscribed and sworn to this 26th day of January, 1872.

C. O. WHITNEY, Chairman.

TESTIMONY OF ERASTUS V. JOHNSON.

My name is Erastus V. Johnson, aged 44, live in Ringgold, Georgia, occupation general freight agent and ticket agent Alabama and Chattanooga Railroad Company ; I have never been over the whole line of the road ; that portion which I have been over, viz : from Birmingham to Chattanooga, is in a good average condition—not first class ; I am not prepared to give a definite answer as to the condition of the rolling stock of the road ; my acquaintance and knowledge of the road commences with my appointment as general freight and ticket agent December 18th, 1871, and I will say, to the best of my knowledge, that the road's business since my connection with it has been very badly managed upon the part of H. F. Wheeler, by the interruption and stoppage of the trains at Attala, at a time when business was presenting itself to the road from every quarter and in a manner which would have unquestionably been very remunerative to the road ; my convictions are that if the road had been well managed since its seizure by the State of Alabama, that its income could have been worked up to eighty or one hundred thousand dollars per month by this time ; the trains have since been run very uniformly between Chattanooga and Attala, and a business connection tendered with the south end of road, under the control of H. F. Wheeler. The tender was partially accepted by Wheeler, but never carried out in good faith by the said Wheeler, controlling the southern end of the road.

E. V. JOHNSON.

Subscribed and sworn to this 26th day of January, 1872.

C. O. WHITNEY,
Chairman.

TESTIMONY OF JAMES M. ANDERSON.

I am thirty-four years of age, reside in Chattanooga, Tennessee, and by occupation a produce and commission merchant of the firm of Anderson, Patton & Co.; never was connected with Alabama and Chattanooga Railroad; I have suffered very materially from the bad management of the road, caused by the interference of the officers of the southern division; the officers of the north division have invariably given me all the assistance in their power to facilitate the prompt shipment and delivery of freights; I have had freights laying at points north of Attala for some three months awaiting shipments south, and have been unable to get cars from below to ship them, notwithstanding repeated calls have been made by the officers in charge at Chattanooga for cars in which to ship; I have had corn shipped three weeks since from Morganville to Tuscaloosa not to hand yet; on account of this great delay and high tariff, trade has been almost entirely destroyed with that section of country; I have repeatedly had letters from merchants south of Attala to get their freights from the other roads terminating at Chattanooga and re-ship via Selma, Rome and Dalton Railroad; I am entirely satisfied that Gen. Wofford and his officers on the northern division of the road have done everything in their power to facilitate shipments and do justice to all parties. As to the condition of the rolling stock I know nothing, as I seldom ever see an Alabama and Chattanooga car; am not competent to judge the condition of the road, having no experience in that line of business.

J. M. ANDERSON.

Subscribed and sworn to this 26th day of January, 1872.

C. O. WHITNEY,
Chairman.

TESTIMONY OF WILLIAM T. GOODWIN.

I am forty years of age, reside in Chattanooga, Tennessee, by occupation a merchant, of the firm of Divine & Goodwin, wholesale grocers; never was connected with the Alabama and Chattanooga Railroad; from the shipping I have done I have had an immense amount of trouble; am thoroughly satisfied it has not been the fault of the officers at Chattanooga, as they have uniformly given me every facility for shipping

in their power, crippled as they were by their rolling stock having been taken and retained on the south division ; the great trouble seemed to be at Attala, caused by authorities at that place of south division not paying freight and back charges promptly ; I have in several instances taken goods from the Alabama and Chattanooga depot and sent them by the Selma, Rome and Dalton Railroad, under the instructions from the parties to whom they were consigned, and have now positive orders to take goods from the connections at Chattanooga and send by the other routes until the road is more efficiently managed ; I saw at Attala yesterday a large quantity of freights in hands of officers of the northern division ready for delivery, but the agent informed me they would not receive them ; about the last of December, I made a shipment of goods from Chattanooga to Elyton, and they had not reached their destination a few days since ; on tracing I find they left Chattanooga promptly, and must have been detained at Attala ; I am satisfied from the bad management of the road on the part of the officers of south division that it is losing an immense amount of freights and passenger travel. As regards the condition of the rolling stock, I know very little of it ever gets up as high as Chattanooga that I see ; not being a railroad man, am not competent to judge as to its condition.

W. T. GOODWIN.

Subscribed and sworn to this 20th day of January, 1872.

C. O. WHITNEY,
Chairman.

To substantiate the above testimony, I herewith submit the following letters :

ELYTON, ALA., December 29, 1871.

Messrs. Divine & Goodwin, Chattanooga :

GENTLEMEN : We are expecting some goods from New York, by way of Chattanooga ; you will please see to them and forward them via Calera, care of South and North Railroad, if the Alabama and Chattanooga Railroad is not running through when you receive this.

Respectfully,

J. B. EARL & Co.

SPRINGFIELD, January 1, 1871.

Messrs. Divine & Goodwin :

Please go to the Air Line Depot and send J. H. Ashom's goods through, and charge freight to our account.

Yours respectfully,

KYLER & EAWONES.

BIRMINGHAM, January 3, 1872.

Messrs. Divine & Goodwin, Chattanooga :

GENTLEMEN : If there are any goods in the depot of the Alabama and Chattanooga Railroad for Dupuy & Todd, or Wharton & Jones, please have them shipped via Calera, on the Selma, Rome and Dalton Railroad, and if any freight is to be paid, please pay it and send us the amount and we will remit it forthwith.

Respectfully,

DUPUY & TODD.

ELYTON, ALA., January 5, 1871.

Messrs. Divine & Goodwin :

GENTLEMEN : We probably have some goods detained in your your place, shipped via Virginia and Tennessee Air Line. You will oblige us by ascertaining, and if so, ship via Rome and Dalton and Calera, to Birmingham. We will forward you draft for amount of freight paid.

Respectfully,

HAWKINS & EARL.

ELYTON, ALA., January 8, 1872.

Messrs. Divine & Goodwin, Chattanooga, Tenn. :

GENTS---If you can not get our New York goods off by freight, please send them through by express---we mean the hardware, the yarn and domestic we wish sent by Calera, Ala., care of S. & N. R. R.

Respectfully, J. B. EARLE & Co.

JONESBORO, ALA., January 9, 1872.

Messrs. Divine & Goodwin :

GENTLEMEN---Please have the goods purchased from you last, shipped round by Dalton, Calera and Birmingham.

Please have all other goods that may be in depot at Chattanooga for us, from other places, shipped round the same way. By attending to this matter for us, you will greatly oblige.

Yours, etc., J. & C. McADORY, Per J. P. M.

BIRMINGHAM, ALA., January 9, 1872.

Messrs. Divine & Godwin, Chattanooga, Tenn. :

GENTLEMEN---I have car-load of flour in the Nashville and Chattanooga railroad, which I wish you to pay the freight on, and have shipped through by the A. & C. railroad if you can get it through, if not have it shipped via Dalton and Calera. Send bill and I will express the money for freight.

Respectfully, J. H. DUPUY.

BIRMINGHAM, ALA., January 10th, 1871.

Messrs. Divine & Goodwin, Chattanooga :

GENTS---We will have some goods through your city, at Nashville depot, shipped via A. & C. R. R., in a day or two. Will feel under many obligations if you will see that they are not delayed there; and if necessary to pay back freights, which I don't think will be required, will feel under still greater obligations, and will return what you pay out and charges thereon as soon as bill is sent us.

Yours respectfully, TODD & ELLIS,
(Todd, formerly of Dupuy & Todd.)

TESTIMONY OF W. T. WOFFORD.

My name is W. T. Wofford, am forty-seven years old, reside in Cartersville, Ga., by profession a lawyer; am at present one of the receivers of the Alabama and Chattanooga railroad. I am now connected with the A. & C. railroad as one of the receivers. I have been over the road only from Chattanooga to Birmingham---have not been south of the latter place. The road-bed from Trenton, Ga., to Attala, is one of the best road-beds I ever saw, and at present is in fair condition, in view of the fact that the track hands have done no work on the road since January 1st. I have been unable to get hands to do any work on the road since that date, on account of the failure to pay for work previously done, as alleged by

them in a series of resolutions, of which the following is a true copy :

ATTALA, A. & C. R. R., }
December 28, 1871. }

At a meeting of the foremen of all the sections of the A. & C. R. R., from Enterprise to Chattanooga, held for the purpose of devising measures to secure our rights and obtain justice ; it was unanimously

Resolved 1st, That in view of the fact that from some cause, to us unknown, the complications arising from the conflictions between the two divisions of the A. & C. R. R., have resulted in the non-payment and consequent distress and embarrassment of all the hands, including us, the said foremen, employed to keep up the track of said road on the aforesaid sections ; and whereas, there seems to be no reasonable hope for improvement in respect to a settlement, as to services rendered by us under the new regime, we hereby unanimously determine and resolve : That from and after this date, we will do no further work on the track of said road ; nor will we willingly suffer any one else so to do, until a fair, square and full settlement and payment shall have been made to us and the men under us in the employ of said road.

Resolved 2d, That while we feel the utmost confidence in the integrity and good faith in the present administration of said road, we respectfully, yet firmly, protest and complain, that while we have in good faith accepted the promises of the officials of said road, that we should be paid promptly for our work on said road, we have been so far most disagreeably disappointed. And we earnestly, yet respectfully, ask that we be at once relieved from the embarrassment due to the non-fulfillment of said promises.

Resolved 3d, That a copy of these resolutions be forwarded to Gen. W. T. Wofford and Col. J. H. Gindrat, receivers and superintendents A. & C. R. R.

[Signed,] J. C. HOWELL, Foreman 15th Section.

JOHN MAY,	"	14th	"
LUCAS R. FRIZZILL,	"	12th	"
J. HOWARD,	"	11th	"
J. H. PAYNE,	"	10th	"
S. T. BROWN,	"	9th	"
W. G. BROWN,	"	8th	"
G. A. FELTS,	"	4th	"
V. G. PRUITT,	"	3rd	"

I know nothing of the management of the A. & C. R. R. prior to about November 1st, 1871. The State of Alabama filed a bill in the superior court of Dade county, Georgia, asking for an injunction restraining the attaching creditors of the Alabama and Chattanooga railroad company, and for the appointment of a receiver. The motion on said bill was heard during the regular term of Bartow superior court, held at Cartersville, Ga., September, 1871. His Honor Judge Parrott, presiding, granted the injunction, and appointed myself receiver. At the solicitation of General Clanton, I left the court (then in session) to the neglect of my business, and went with him to Trenton, Georgia---filed my bond in the office of the clerk of the superior court of Dade county, and had the order of my appointment entered upon the minutes of said court. I then demanded possession of the rolling stock, depots, and other property of the road in Georgia. The agents of Governor Bullock refused to surrender the possession of said property. The case was carried to the supreme court of Georgia, which court sustained the decision of Judge Parrott, with the additional instructions to the receiver to negotiate with the governor of Georgia for the possession of that part of the road lying in Georgia; but Gov. Bullock would not consent for the road or rolling stock to be turned over to the receiver. This effort I supposed, ended my duties as receiver, under the orders of the courts of Georgia. After Governor Bullock resigned, Col. Gindrat telegraphed to me to see Gov. Conley and endeavor to obtain his consent to allow us to run over the Georgia portion of said road. I immediately went to Atlanta, saw Gov. Conley and obtained his consent to run the road. I notified Col. Gindrat of that fact, and requested him to meet me at Atlanta; he did so and, at his request, I went immediately to Chattanooga that night, without stopping at my home. I at once proceeded to move the rolling stock to Chattanooga, and trains started to run through from Meridian to Chattanooga about the first week in November, 1871. Col. Gindrat and his attorney, Gen. O'Neal, met me in Chattanooga on the 13th of November 1871, for the purpose of making a contract with me for running over the Georgia portion of the A. & C. R. R., and for the use of the rolling stock---(3) three engines and (34) thirty-four cars, that had been attached by creditors in Georgia. I asked Col. Gindrat to make me a proposition; but he declined, and suggested that I should make him an offer. Whereupon, I

submitted to him the two propositions following: 1st. to accept his (Col. G's) own suggestion, made to me at Atlanta; namely, for me to run to Attala and *pro rata* with him as a connecting road; or, 2d, to rent him the rolling stock in my possession, and also charge him so much for each car that should pass over the Georgia portion of the road.

After considerable hesitation and delay, Col. Gindrat declined both of my propositions and proposed himself a contract, under which we finally agreed to operate the road; which contract is as follows: (Here introduced written contract, a copy of which is hereto attached, marked Ex. No. 2, by which we were to run the road jointly, equal in authority and responsibility.) This contract was drawn up by judge J. W. H. Underwood, in the presence of and with the assistance of Gen. O'Neal. The following day, I verbally proposed for Col. Gindrat to act as general superintendent, and left him in entire control of the road, as he had been running the trains for some time to Attala, and I presumed that he was competent to discharge all the business of the road; it was understood that I should visit the road at the end of each month to settle as per contract, and I returned home. Soon after complaints reached me from Chattanooga, of mismanagement and corruption on the part of some of the officials and employees. And such were the grave charges against Wheeler, by all the shippers at Chattanooga, that I discharged him, and drove him from the office and depot at Chattanooga. Col. Gindrat insisted that I should let Wheeler remain on the lower end of the road, promising that he (Wheeler) should not appear as an official of the road; and that he would finally and gradually get rid of him—remarking that he was under obligations to Wheeler for assisting him to get possession of the road and its property when it was in the hands of a mob at Meridian, Mississippi. At the request of a prominent citizen of Tuscaloosa, I consented to Col. Gindrat's request reluctantly and against my better judgment. Col. Gindrat promised to give his entire personal attention to the running of the road; saying in answer to my complaints at his continued absence from the line of the road, that he was compelled to be at Montgomery to prepare his report, before the meeting of the Legislature. Complaints of mismanagement, incompetency and corruption, having again been made to me, and information of the stoppage of the passenger train by the Alabama and Chattanooga Railroad for the non-payment of toll and rental over their road, on December 11th, 1871, hav-

ing reached me, I saw that my personal attention to the management of the Alabama and Chattanooga Railroad was imperatively demanded. I therefore visited Birmingham and Montgomery, with a view of consulting with Col. Gindrat and securing his co-operation in operating the road. He then promised me that he would go with me to the line of the road, and agreed that the conductors should pay over the moneys collected from passengers to the local treasurer at Chattanooga upon arrival at that point; and also, to have all agents north of Birmingham to report to the office at Chattanooga. He gave me an order to Randolph, treasurer, to pass such orders to the agents and conductors of the northern division, as might be necessary to insure the execution of the agreement aforesaid. (No. 3, see ex. "B.") He also promised to go with me to the line of the Alabama and Chattanooga Railroad and assist me in running said road. I remarked at that time, "I have come now to give my undivided personal attention to the management of the affairs of the road, since everything seemed to be moving badly." Late that night, December 13th, Col. Gindrat left at my room in the hotel at Montgomery, a note (No. 4, "A.") saying he could not possibly accompany me next morning as he had promised, since which time I have not seen him, nor has he to my knowledge been on the line of the road or taken any part in the management since. While on that occasion (13th December), we had agreed upon the removal of Edgar, wood master, and Egan, general ticket and freight agent, on account of incompetency and unfaithfulness in the discharge of their duties. I returned to Chattanooga and waited the coming of Col. Gindrat, according to promise, on Sunday night. On Monday, Col. Gindrat having failed to appear, and the business and interest of the road so requiring, I removed Mr. Egan and appointed Mr. E. V. Johnson in his stead, and within a few days thereafter removed, on the same account, Mr. Edgar, road-master. I remained at Chattanooga giving my entire personal attention to the business of the road on the 19th of December, 1871. The 20th of that month being pay day, and Randolph, treasurer, not appearing to pay off the hands, I telegraphed him to send money to pay the hands in machine shops and other employees at Chattanooga. He refused to do so, notwithstanding I had shown him Col. Gindrat's directions to that effect. Whereupon, I telegraphed to Col. Gindrat at Montgomery. He replied, Randolph was right, and wrote me same day (No. 5, ex. "D.") in which he stated Ran-

dolph was the proper person to pay off, and was right, &c. ; and complained of the removal of Egan, upon whose removal we (Col. Gindrat and myself) had agreed at Montgomery on the 13th December; he also said with reference to men quitting on account of non-payment, let them do so. The money has never been sent to pay off the hands, nor have they been paid off except partially, and in exceptional cases paid at Birmingham. I remained at Chattanooga during the Christmas holidays, waiting for and expecting Col. Gindrat, and using every effort to operate the road successfully. On the 24th December, I passed an order directing conductors to turn over all money in their hands on arrival at Chattanooga; also, to agents north of Birmingham to report to Chattanooga as had been agreed upon. I had directed Mr. Wagner, acting master of transportation, and said to be a brother-in-law of Wheeler, to provide for removing freight accumulated for points south, along the line of the road. After receiving from him several unsatisfactory telegrams upon the subject, I ordered him to report to me in person at Chattanooga, for the purpose of providing for transporting the accumulated freight. He refused to obey, whereupon I removed him and appointed J. L. McCullum in his stead. On the 26th December, a man by the name of Wheeler directed the conductors on trains *en route* to Chattanooga—passenger and freight trains—to turn at Attala; since which time he (Wheeler), has allowed no trains to go beyond Attala from below. I received two communications from Col. Gindrat, both dated December 26th, 1871, (ex. Nos. 5 and 6,) excusing himself for not coming to assist me according to promises, and reiterating said promises to come, begging me to let things “rock on” as they were. I have not heard from him since that date. Nor has he, so far as I know, been on the line of the road. In all his communications he excuses himself for not coming to his post by alleging the absorption of his time in attendance upon the courts at Mobile, and by his duties as an assignee in bankruptcy. On 25th December, I telegraphed a letter to Col. Gindrat through Col. Jackson at Birmingham, which letter Col. Jackson delivered to him at Montgomery. In that letter I urged him to come at once and aid me in running the road, and to send money to pay the hands, as well as to have a settlement according to contract. Col. Jackson informed me he delivered the letter and Col. Gindrat promised to return with him to the line of the Alabama and Chattanooga Railroad to see me as requested, but did not do so, nor has he

so done to date. On the 3d day of January, 1872, hearing nothing farther from Col. Gindrat, I telegraphed the following dispatches to Gov. Lindsay, (ex. "F." No. 7 and 8,) and on the 4th January, he sent me the following reply (ex. "G," No. 9.) Having through the orders of Wheeler stopping the regular through trains at Attala, but a limited supply of rolling stock left me, I have, nevertheless, continued to run trains regularly from Chattanooga to Attala, connecting when possible, with the trains from below. I have appointed new conductors and other officers to run the trains, and in so doing have as far as possible, selected men along the immediate line of the road. And I am happy to say that I have succeeded in operating this section of the road more successfully, under all the circumstances, than I could reasonably have expected. The rolling stock in my possession is, except usual wear and tear, in good order. I have had no accidents or mishaps.

Having had no access to the books of the road, except at Chattanooga and the points from there to Attala, I am unable to state the condition of its finances, or the disposition made of its earnings. I am satisfied that with anything like prudent and energetic management of the Alabama & Chattanooga Railroad, a handsome profit might be realized from its operation. And even under its past mismanagement I am confident the gross earnings of the road have been more than sufficient to meet the current expenses of its operation, and ought, in addition, to have been sufficient to keep the road in order and repair. The rolling stock turned over to me by the sheriff of Dade county, Georgia, embracing three (3) engines and thirty-four (34) cars, and by me delivered to Col. Gindrat, has not been returned.

W. T. WOFFORD.

Subscribed and sworn to this 26th day of January, 1872.

C. O. WHITNEY,
Chairman.

[COPY.]

OFFICE OF ALA. & CHATTANOOGA R. R. Co., }
CHATTANOOGA, TENN., Jan. 12, 1872. }

Gen. William T. Wofford,
Montgomery, Ala. :

DEAR SIR—Make some arrangement, if possible, with

Gov. Lindsay and Col. Gindrat, in regard to getting freight over the road, as it is accumulating here and along the line of the road more rapidly than we can send it off with our limited means of transportation, having but four box cars this side of Attala. Six car loads of freight in Chattanooga depot, and twenty car loads between here and Attala, destined for points south of Attala, awaiting for transportation; besides, it is accumulating at Attala considerably, in consequence of the other end of the road alleging they have not got money to pay the advance and local charges on the freight to Attala.

We would have ample means to defray all necessary expenses promptly at the end of each month, and have some surplus, if we could work the road peaceably and in a business like manner. We want business unison, energy, integrity and capacity, and success is certain.

Hoping some amicable adjustment will soon be made for the benefit of all concerned,

I am, very respectfully,

Your obedient servant,

E. V. JOHNSON,
Gen'l F. and T. Agent.

[COPY.]

ATTALA, ALA., January 29, 1872.

Gen. W. T. Wofford, Montgomery, Ala.:

DEAR SIR—We had to come down here to see after some freight that we shipped from Chattanooga in December. It is here in depot yet. The southern division of the A. & C. R. R. will take the freight on. Col. White is also here trying to get freight through, but cannot find out when a freight train will be up from south. Your division brought nine freight cars loaded for points south yesterday, and the depot is full. Can you do anything to get freight carried on; if you can, you will greatly oblige.

Your friends,

DIVINE & GOODWIN,
Per Pierce.

[COPY.]

NEW YORK, January 1, 1872.

W. T. Wofford, Esq., Receiver & State Agent
Alabama & Chattanooga Railroad:

DEAR SIR—Before making you a definite proposition about the rental, etc., of your portion of the road, thought best to come on here to see my friends about some *material aid* to assist me in carrying on the operations of the road, and enabling us to pay promptly what we agree to, etc.

I find it impossible to get a dollar with the present status of things on lower end of road. I have been here four days, and may stay here two or three weeks more, and would be pleased to hear from you soon as regards status of operations on R. R.

Yours truly,

(Signed) SAM. B. JONES.

OFFICE KENTUCKY STOCK YARD, CHATTANOOGA, TENN. }
January 10, 1872. }

Gen. Wofford, Receiver & Superintendent,
N., D. A. & C. R. R. Chattanooga, Tenn.:

DEAR SIR—Feeling considerable interest in the success of the A. & C. Road, we have exerted our influence to have stock shippers ship over the road. Some time since we shipped a car load to S. Corbin, Montgomery, and were afterwards informed that they remained on your road two or three days without food or water. Since that time, we have advised shippers to avoid your road, believing there was neither certainty or security in shipping that way. We believe there has been twenty or forty car loads that would have gone over your road. There are at present six car loads of mules in our yard at this time that would ship over your road if satisfactory arrangements could be made. We make the statement with the hope that something may be done to facilitate the interests of stock shippers, as well as the railroad.

Very truly,

(Signed) CRAWFORD, CARROLL & Co.

Copies of telegrams from L. J. Wagner, master transportation, to W. T. Wofford, receiver, etc.:

BIRMINGHAM, December 18, 1871.

Gen. Wofford, Superintendent & Receiver :

Col. Gindrat is at Montgomery, and says he will be here Thursday next.

(Signed)

WAGNER.

BIRMINGHAM, December 19, 1871.

W. T. Wofford, Receiver & Superintendent :

Where do you want the cars left? We might be able to distribute what few there would be with regular trains. What do you want to move with them? It is very important that the cotton on the road be moved where we compete with rivers, and you know the supply of cars is very small compared with the demand.

(Signed)

WAGNER.

MERIDIAN, December 23, 1871.

W. T. Wofford, Receiver & Superintendent :

It all depends upon what is wanted. Can't leave here unless something very urgent requires it.

(Signed)

WAGNER.

MERIDIAN, December 23, 1871.

W. T. Wofford :

Circumstances prevent my reporting in person immediately.

(Signed)

WAGNER.

MERIDIAN, December 26, 1871.

All Agents A. & C. R. R. :

Take no notice of Wofford's order to report my business to White, but report it to me at Birmingham as usual, unless otherwise ordered by Col. Gindrat. Wofford has no such authority.

(Signed)

L. J. WAGNER, M. T.

MERIDIAN, December 26, 1871.

W. T. Wofford, Receiver & Superintendent :

Who informed you that I had been discharged ?

(Signed) WAGNER.

Telegram from W. T. Wofford to L. J. Wagner :

CHATTANOOGA, December 23, 1871.

Wagner, M. T. :

Report to me in person at this office immediately.

W. T. WOFFORD,
Receiver and Superintendent.

Telegram from W. T. Wofford to J. H. Gindrat :

CHATTANOOGA, December 19, 1871.

Col. J. H. Gindrat, Montgomery, Ala. :

I showed your order to Mr. Randolph, instructing him to keep sufficient funds deposited here. To-day I telegraphed him to send me fifteen hundred dollars to pay hands who threaten to quit to-morrow if not paid. and he refused.

Please instruct him to send it at once.

W. T. WOFFORD,
Receiver and Superintendent.

Telegrams to W. T. Wofford from R. C. Randolph, treasurer :

BIRMINGHAM, December 19, 1871.

W. T. Wofford, Assistant Superintendent :

When I confer with John H. Gindrat, general superintendent and receiver, I will then answer you.

(Signed)

RANDOLPH,
Treasurer.

BIRMINGHAM, December 19, 1871.

W. T. Wofford, Assistant Superintendent:

Circumstances prevent my sending fifteen hundred dollars to Mr. Price.

(Signed)

RANDOLPH,
Treasurer.

EARNINGS OF THE ALABAMA & CHATTANOOGA RAILROAD.

Freight earnings, August.....	\$ 3,098	15	
“ September.....	114,17	50	
“ October.....	10,641	31	
“ November.....	13,792	16	
“ December.....	12,838	97	
“ Estimated.....	4,000	00	—\$55,788 00

Ticket sales agents, August.....	\$ 36	40	
“ September.....	915	80	
“ October.....	2,468	80	
“ November.....	2,465	60	
“ December.....	1,785	10	
“ Estimated.....	1,000	50	—\$ 8,671 70

Conduc's' cash returns, August.....	\$1,370	50	
“ September ..	3,136	44	
“ October.....	671	65	
“ November...	742	87	
“ December...	1,523	00	
“ Estimated...	1,500	00	—\$ 8,944 46

Telegram from H. F. Wheeler to W. T. Wofford:

BIRMINGHAM, December 26, 1871.

W. T. Wofford, Receiver and Superintendent:

Your action in discharging men on the road causes a great deal of dissatisfaction and threatens a strike. Your discharge of Wagner and Edgar will not be tolerated, unless sanctioned by Col. Gindrat, and agents must report their remittances to Capt. Randolph, as before.

(Signed)

H. F. WHEELER,
Assistant General Superintendent.

Telegram from R. C. Randolph :

BIRMINGHAM, December 25, 1871.

All Agents Northern Division :

You are hereby ordered to make your remittances to me as usual. W. T. Wofford, receiver for the State of Georgia and superintendent northern division, has no authority to instruct agents to report to local treasurer. Col. Gindrat alone has that authority. Agents will be held responsible for all funds turned over to any other person but myself, unless ordered by Col. Gindrat, general superintendent.

(Signed)

R. C. RANDOLPH,
Treas. A. & C. R. R.

Telegram from T. H. B. Martin, Agent, Collinsville :

COLLINSVILLE, December 25, 1871.

H. F. Price :

I am ordered to make my abstract reports and cash returns to S. F. Eagan and R. C. Randolph, and feel that I must obey them.

T. H. B. MARTIN, Agent.

STATE OF TENNESSEE, }
Hamilton County. }

Memorandum of a contract made and entered into this 13th day of November, 1871, between John H. Gindrat, agent and receiver of the Governor of Alabama, and receiver appointed by the circuit court of the United States in Mississippi, and receiver appointed by the chancery court of Hamilton county, Tennessee, for that part of the Alabama and Chattanooga railroad lying in Tennessee, Alabama and Mississippi, and all the other property of said company in said States, of the one part, and William T. Wofford, agent and receiver of the Governor of Georgia, and receiver appointed by the superior court of Dade county, Georgia, for that part of said railroad lying in the State of Georgia, and all the other property of said company lying in the State of Georgia.

Witnesseth that the said parties, in the capacity aforesaid, agree to run and operate the Alabama and Chattanooga railroad from Meridian, in Mississippi, to Chattanooga, Tennessee, on the following terms :

1. That the entire expenses of running, operating and

maintaining said railroad by the agents, conductors and section force, properly chargeable for running, operating and maintaining said railroad, shall be paid from the gross receipts from freights, passengers and all other sources of revenue, exclusive of all expenses properly chargeable to construction account.

2. The expenses of construction, and such expenses as are properly chargeable to construction account, incurred in the States of Alabama, Mississippi and Tennessee, shall be paid by said John H. Gindrat, receiver and agent; and the expenses properly chargeable to construction account, incurred in the State of Georgia, shall be paid by the said Wm. T. Wofford, receiver and agent.

3. The net profits, after paying all expenses, exclusive of construction expenses, shall be divided equally per mile *pro rata*, according to the amount of rolling stock and the number of miles over which each receiver and agent has authority by virtue of the appointments referred to; the said John H. Gindrat, agent and receiver, having authority over — miles, being in Alabama, Mississippi and Tennessee, and — engines, — passenger cars, — freight cars; and the said Wm. T. Wofford, agent and receiver, having authority over — miles, being in the State of Georgia, and — engines, — passenger cars, — freight cars.

4. All future taxes on the whole property of said company, State, county, corporation and internal revenue tax, shall be paid from the gross receipts and revenues received, before any division of profits shall be made.

5. The contract made by Col. John H. Gindrat with the Nashville and Chattanooga railroad company, touching the use of their road, is hereby affirmed and ratified.

6. John H. Gindrat, receiver and agent, is recognized by this contract as being in the exclusive possession of that part of said railroad in the States of Alabama, Mississippi and Tennessee, and the rolling stock, depots, machine shops, and all other property of said company now in his control, real and personal, in said States; and the said Wm. T. Wofford, receiver and agent, is recognized as being in the exclusive possession of that part of said railroad in the State of Georgia, and the rolling stock, depots, and all other property, real and personal, in said State, now in his control. The true intent of this article being that the rights of either party to this contract shall not be compromised, or the status changed.

7. Settlements between the parties shall be made monthly;

and either party may recede from and dissolve this contract upon giving to the other party ten days notice, in writing, or such other notice as is satisfactory to both parties, and restoring the actual possession and status of the whole property as it now stands.

In testimony whereof, the said parties have affixed their hands and seals, the day and year aforesaid.

JOHN H. GINDRAT, Receiver, &c.

WM. T. WOFFORD, Receiver, &c.

Signed in duplicate, in presence of

E. A. O'NEAL,

V. A. GASKILL,

J. W. H. UNDERWOOD.

[LETTER "A, NO. 3."]

NINE O'CLOCK, P. M., Dec. 13, 1871.

My Dear General:

I regret that circumstances beyond my control prevented my leaving the capital before Sunday night. Please have the enclosed letter delivered, which conveys orders that will enable you to work until my personal attention will permit all the changes you desire to be carried out to the letter. Be patient until I get there, if things do not exactly suit you.

Respectfully, your friend,

(Signed,)

JOHN H. GINDRAT.

[LETTER "B, NO. 4."]

MONTGOMERY, Dec. 13, 1871.

Gen. W. T. Wofford, from and after this date, will act as superintendent of the northern division of the Alabama and Chattanooga railroad, and establish a complete corps of officers of that division; all appointments being subject to the ratification of the general superintendent. Capt. R. C. Randolph, treasurer, will please make such order as regards the returns of conductors and agents on the northern division as will ensure a sufficient fund at Chattanooga to meet all necessary current expenses.

(Signed,)

JOHN H. GINDRAT,
General Superintendent.

[No. 5.]

MONTGOMERY, December 20, 1871.

Gen. W. T. Wofford, Assistant Superintendent, &c., Chattanooga, Tennessee :

DEAR SIR: I have your several dispatches of 18th and 19th, answered this morning, and promised to write in full by this mail. I have to regret that you consider it necessary to act in such haste, discharging and appointing officers of the road. In the matter concerning Mr. Edgar, it certainly would have been best to have reported him, and asked for his discharge; and the appointment of a general officer should most assuredly have come through me. I would have been most happy to have complied with any reasonable request you may have thought proper to make; but surely you will recognize the necessity for only one head, and while acting in that capacity, courtesy, if nothing else, would seem to direct the proper course to pursue. Reports of agents in your division, above Attala, do not come regularly to headquarters; and in one instance none have been received. The 26th of this month (to-day), Mr. Randolph ought to have commenced at Chattanooga to pay off, but he ought to have had full reports from agents to know how to proceed. We are getting on badly, and I fear the last month's operations will result in a heavy loss. The whole line is becoming demoralized. Men do not know who to obey. Agents, fearing or believing in a coming break up, are holding to money. I would have been with you yesterday but from the slowness with which the bankrupt business here progresses. It was and is my desire that matters should have progressed quietly for the short time that I continued to act as general superintendent. Assignees in bankruptcy have been appointed, who will in a few days enter upon their duties, and no doubt will wish to arrange with you. Complications will arise unless we can manage to make things smooth, which may give us considerable trouble. Let me, therefore, again beg that you will refrain from giving orders for the whole line, and to work as quietly as possible, with patience and forbearance.

In the matter of Randolph, he certainly cannot consistently send money to the upper end of the road, and at the same time be left in ignorance as to funds which might be on hand there. What objection there can be to reporting, I cannot conceive. Agents who do not report ought to be

dismissed; but I have taken no action on account of my strong desire to do nothing which would in the least tend to destroy harmony between us. It is Mr. Randolph's duty to pay off, not the superintendents of divisions. The 20th is our pay day. He will commence as soon as reports can be had. There could be no cause for dissatisfaction among the employees because of not being paid before the regular time, and if they threaten to quit, they will have to do so. I hope to be with you this week.

Respectfully,
(Signed)

JOHN H. GINDRAT.

[COPY.]

STATE OF ALABAMA,
EXECUTIVE DEPARTMENT,
Montgomery, December 26, 1871. }

*Gen. W. T. Wofford, Receiver and Agent State of Georgia,
Chattanooga, Tennessee :*

DEAR SIR: I have your favor of 25th. It has been no fault of mine that I did not meet you soon after we parted here. I could not leave before Judge Busteed took some action and made orders in regard to the bankruptcy. This detained me until Thursday morning, and then I was too sick to travel; in the meantime I was served with notice that an injunction would be asked for, and the appointment of a Receiver requested, before the United States Circuit Court in Mobile, on the 27th. I expected to go to Mobile to-night, and may yet have to do so, but have just been informed that probably no court will be held until after holidays.

If this report is confirmed I will go on the road to-morrow morning, if not, then I *must* go to Mobile.

You see how I am and have been situated. My position in regard to the Alabama and Chattanooga Railroad is in every way most delicate, and I hoped you would understand it, and not be hasty in actions that would further render the case more difficult to manage. I have to regret that anything in my former letter was objectionable, intended to be very careful, and can now assure you that it was intended in no wise to be objectionable.

I am satisfied that unless we can act in harmony and in concert that our arrangement should be brought to a close,

and I am afraid we must differ so long as sudden changes and conflicting orders are being made. I feared that our operations would result in loss, because funds did not come in to my expectations, and agents had been slow in reporting.

It may not be so. The settlement will be made as soon as I get on the road.

Mr. S. B. Jones, one of the assignees, promised to see you; telegraphed me that he did so, but says nothing as to the meeting. I did hope that you would have had time to exchange views in full.

Yours truly, &c.,

(Signed,)

JOHN H. GINDRAT.

[COPY.]

STATE OF ALABAMA,

EXECUTIVE DEPARTMENT,

Montgomery, December 26, 1871. }

Gen. W. T. Wofford, Chattanooga :

DEAR SIR: Since writing and mailing letter of this date, I have received notice that the suit will be called ten o'clock Thursday, in Mobile. I *must* be there; no help for it. As soon as the case is heard I will go from Mobile via *Meridian*, to see you. I have ordered full statements of operations to be made out by the time I arrive, and if said reports had not been made already by certain agents, to inform you of the fact, so there might be no excuse for further delay.

And now, General, let me again urge that you let things rock on as smoothly as possibly until we meet. You can have no idea of the importance of my request. I may be thrown in Mobile, if so, there will be a long fight, and I want to be prepared to keep my ground.

I find it necessary to have for a short time more strict care taken of the Tennessee property, and place Mr. Garrett more particularly in charge. Not by any means to interfere with the running of the road, but simply to guard and protect what I hold under my charge, and to be able to make proper returns when called upon.

This has nothing to do with *our* business, and I only mention it to you that you may aid me in making Mr. Garrett's business agreeable, and at the same time not think I had sent any one on any duty without proper motives.

Yours truly,

(Signed,)

JOHN H. GINDRAT.

Copy of telegram sent to Governor Lindsay, at Montgomery, Alabama, January 3d, 1872:

OFFICE OF ALA. & CHATTANOOGA RAILROAD CO., }
Chattanooga, Tenn., Jan. 3, 1872. }

Governor Lindsay, Montgomery, Ala.:

When I saw you in Montgomery on the 13th of December, I was there for the purpose of inducing Col. Gindrat, first, to return with me to the line of the Alabama and Chattanooga Railroad that we might give the business of the road our personal attention and co-operate in its management. Secondly, to have him place funds in the hands of the local treasurer, office in this place, to pay all current expenses, operatives, and track hands, &c.; he promised to do both, but has done neither. On the 26th day of December, a man by the name of Wheeler, ordered the passenger and freights *en route* to this place to turn at Attala; since which time he has allowed no trains to come north of Attala.

The interests of Alabama and business public are suffering; will you appoint and send a competent and faithful agent to assist me in running the road?

(Signed,)

W. T. WOFFORD,
Receiver and Agent for Georgia.

OFFICE OF ALA. & CHATTANOOGA R. R., }
CHATTANOOGA, TENN., Jan. 12, 1872. }

Governor Lindsay, Montgomery, Ala.:

Will you order the regular trains through to this place? Freights have accumulated for all points below Attala.

(Signed,)

W. T. WOFFORD,
Receiver and Agent for Georgia.

Copy of telegram from Governor R. B. Lindsay, Montgomery, Alabama, to W. T. Wofford, Receiver and Agent:

MONTGOMERY, ALA., January 4, 1872.

W. T. Wofford:

Regret very much the discord which seems to prevail on the Alabama and Chattanooga Railroad. Col. Gindrat has been compelled to be in Mobile, but hope he will be relieved

to-day, when I trust a satisfactory adjustment of the road matters will be speedily effected.

(Signed,)

R. B. LINDSAY.

The following copies of telegrams, marked from eight to twelve, were received or sent by me in connection with the non-payment of employees and the stoppage of the trains on the Alabama and Chattanooga Railroad; also, copy of the letter to Col. Gindrat, sent by Col. Jackson, to which reference was made in my testimony heretofore.

W. T. WOFFORD.

Subscribed and sworn to, this 26th day of January, 1872.

C. O. WHITNEY,
Chairman.

[COPY—TELEGRAM.]

CHATTANOOGA, TENN., December 25, 1871.

Col. Frank Jackson, Birmingham:

You will please deliver the following letter to Col. Gindrat in person.

(Signed,)

W. T. WOFFORD.

MONTGOMERY, ALA., December 20, 1871.

Gen. W. T. Wofford, Assistant Superintendent, &c.:

Randolph is right; he is paymaster, and but for failure of Agents to make reports, would have commenced paying to-day. If men threaten to quit because not paid before regular time, let them do so. Will write full by this mail.

(Signed)

JOHN H. GINDRAT.

General Superintendent A. & C. Railroad.

[TELEGRAM.]

BIRMINGHAM, December 26, 1871.

Gen. W. T. Wofford, Receiver, &c.:

Employees have become dissatisfied on account of certain discharges you have made, and the Assistant General Superintendent has concluded to turn the trains around at Attala for the present, unless you conclude to communicate with him about the running of the road. I understand most of the section men on northern division have struck because of

Edgar's discharge. Would it not be well to communicate with Wheeler. Please answer.

(Signed)

A. C. BURTON.

[TELEGRAMS—COPIES.]

BIRMINGHAM, December 20, 1871.

W. T. Wafford, Receiver & Superintendent:

In answer to your telegram to Col. Gindrat, I explain that Mr. Eagan was instructed by Col. Gindrat to have Agents report to him at this place for the present, consequently Eagan issued the order you refer to and signed J. H. Gindrat. Col. Gindrat has written you from Montgomery.

(Signed)

H. F. WHEELER,
Assistant General Superintendent.

BIRMINGHAM, December 20, 1871.

Mr. McMillin, Agent:

In future, send all reports and correspondence referring to freight and ticket business to S. F. Eagan, General F. & T. Agent, Birmingham.

JOHN H. GINDRAT,
General Superintendent and Receiver.

CHATTANOOGA, December 30, 1871.

I was sent out from Chattanooga on the 25th day of December as freight conductor on train No. 3; arrived at Birmingham at 6:55 o'clock. As soon as we arrived my engineer (Wm. Stewart) and myself were waited on by a committee of three, composed of Mr. Edgar, Tom Gyce and Mr. McGinnis, telegraph operator. Gyce and Edgar were the spokesmen. They told us that they (the southern division) were on a strike, not for money, but to ascertain who was "boss," and that no train would be allowed to go north until that was settled. They told me they would side track my train, which they did do. Edgar is the foreman road master of northern division; Gyce is general time-keeper for Wheeler.

(Signed)

Q. CAPEHART.

[COPY.]

BIRMINGHAM, December 18, 1871.

Capt. H. F. Price, Local Treasurer:

MY DEAR SIR—Yours of December 15th, I found on my return from Tuscaloosa yesterday. I will be in your city Wednesday or Thursday next to pay off the shop men and others. Should anything prevent my being with you I will forward rolls and funds to you to pay the men. Should you require money in the meantime to meet toll, you must dispatch me.

Very truly,
(Signed)

R. C. RANDOLPH,
Treasurer A. & C. R. R.

[COPY.]

OFFICE A. & C. R. R., CHATTANOOGA, TENN., }
December 25, 1871. }

Col. J. H. Gindrat, Montgomery, Ala.:

DEAR SIR—Yours of the 20th inst. received. You express your regret at my alleged hasty action in discharging and appointing officers. I also regret to be obliged, either hastily or otherwise, to discharge officers, but will not hesitate to do so whenever my duty requires. We must have men who are competent, and who command the confidence of the business public.

If you had met me as you have repeatedly promised to do, we could, probably, have acted with entire harmony; but as you so often failed to meet and consult, I have been under the necessity of acting on my own judgment, and will continue to do so while the necessity exists.

I regret to hear that you "fear the last month's operations will result in heavy loss." But as our agreement requires monthly settlements, I am entitled at once to know the extent of the loss, if any, and to have the settlement made in accordance with the agreement. Will you not come at once and conform to our agreement?

There is a good deal in your letter that is objectionable under the circumstances as they exist; but I will reserve any further reply till we meet. But I tell you frankly and candidly, that if we are to act in concert and harmony (as I would rejoice to do) our agreement *must* be carried out, and each of us *must* act as we agreed; otherwise, that agreement

must end. Come at once, and let us endeavor to ascertain whether we cannot either act in harmony or separate promptly.

Very respectfully,

WILLIAM T. WOFFORD,
Receiver and Agent State of Georgia.

OFFICE A. & C. R. R., CHATTANOOGA, TENN., }
January 9, 1872. }

Gen. W. T. Wofford, Receiver, &c.:

DEAR SIR—I have the honor to make the following report, as local treasurer of the A. & C. R. R., stationed at Chattanooga. On the 18th of December, I received from R. C. Randolph, treasurer, a letter (which I herewith enclose) stating that he would, on the following Wednesday or Thursday, be in Chattanooga to pay off all employees, and authorizing me to draw on him for money, meantime, if I should need it to pay the N. & C. R. R. toll. Two days afterwards I received from him a telegram stating that he would not be in Chattanooga to pay off until he got orders from the general superintendent. Up to this time he had sent me \$650, to be used in paying toll to the N. & C. R. R. He also had sent me \$389 52 to pay thirteen men who were running as engineers, firemen, etc., on the road. Afterwards he directed me to return him the money of three of the men, which I did. This is all the money I have ever received directly from Mr. Randolph, and have, therefore, been unable to pay the laborers and others for their work. In his letter of the 18th of December, he says: "Should anything prevent my being with you, I will forward rolls and funds to you to pay the men." When the time for his arrival here had passed by, I telegraphed him, asking him when the money would be sent here. He replied: "I will not be in Chattanooga to pay off until I get orders from general superintendent." On the 28th of December, I received from him the following telegram: "You are hereby ordered to report in person to me with your books and papers." About three days previous to this, the running of the road had been stopped by superintendent at Birmingham or some officer. I notified Mr. Randolph by telegraph, "I would report as soon as the running of the road was resumed." On the 1st day of January, I telegraphed him I was ready to report, and requested him to notify me when he would be ready to make monthly settlement, as per arrangement be-

tween Gen. Wofford and Col. Gindrat. *That* telegram he failed to reply to.

On the 3d of January, with my assistant, W. W. Simpson, I reported to Mr. Randolph at Birmingham, with "books and papers." Randolph then told me he was on the verge of leaving for Tuscaloosa, and did leave in a few minutes. I asked him if he was ready to make the monthly settlement? He disclaimed knowing anything about the contract between Gen. Wofford and Col. Gindrat. Told me Mr. Burton, his book-keeper, would attend to and give me whatever assistance I required. He then left on the train for Tuscaloosa. I made a report to Mr. Burton of all cash received and paid out by me, and requested him to give me a statement of the amount of cash that had been received in his office. He said he would make the statement up at once, and *thought* he would have it ready that night. At night I called for it. He then said he thought he could have it ready by the next morning. When the time arrived, I again called for it. He then put me off until just before the departure of the train for Chattanooga. Again I called for it, and again failed to get it. The next morning, which was the 5th, I again called for the statement. I found Mr. Randolph in the office. He told me Gen. Wofford had violated the contract, and he would have nothing more to do with either him or myself. A few minutes afterwards he sent me an order in writing, discharging me from the position of local treasurer. The discharge was dated "Headquarters A. & C. R. R., Birmingham, Ala., January 5, 1872," and was signed "R. C. Randolph, treasurer A. & C. R. R." So without securing either money or statement of cash received by Randolph, I returned to Chattanooga.

Very respectfully,

H. F. PRICE,

Local Treasurer.

I was present with Col. Price, and can testify to most of the facts above stated. I was present with him on several occasions when he called on Mr. Burton for a statement of cash received.

W. W. SIMPSON.

Both Randolph and Burton told me there was no money on hand, and still owed nearly all the employees along the line of the road for their November and December work.

H. F. PRICE, Local Treasurer.

TESTIMONY OF COL. J. H. GINDRAT.

To the Senate Special Committee on the Investigation into the Management of the A. & C. R. R. :

GENTLEMEN—In submitting according to your request a statement of the condition of the Alabama and Chattanooga railroad, I beg leave to respectfully ask your attention to my report of the 16th November, 1871—a copy of which is hereto attached—to his excellency the governor, which contains a full and complete history of the condition of the road up to that date. If the report requires the more solemn averment of an affidavit to establish the truths of the statements therein contained, let it be considered as a part of this statement, and as sworn to by me.

The note on page eight, referring to statements received after my report was in the hands of the governor, and which statements were handed to a committee of the House or Senate, seems to require further explanation. The statement of Capt. Gould, engineer, and Major Wheeler, superintendent, as to expenditures for construction, is confined to transactions up to the 1st November. On the 6th of November the Alabama and Chattanooga railroad company was declared bankrupt, and deeming it proper to open new accounts, and to report expenditures to that date, I returned the statements of superintendent, engineer and treasurer made to the 1st, that they might be made to the 6th instead. Major Wheeler's note of the 21st shows why these statements were not received in time to accompany my report of the 16th. I now submit the treasurer's statement referred to.

In relation to the transaction by which the Alabama Central railroad company has been permitted to run trains over the A. & C. road from York to Meridian, and an engine left in possession of that company, you can obtain full particulars from Major Lanier, acting manager, which will substantiate all I have said in regard to it. It has now been nearly six months since this transaction was made, and nearly six thousand dollars of the sum obtained of the A. & C. road has been repaid by the use of the Alabama & Chattanooga road, and must be counted as so much earnings of the A. & C.

The money obtained was expended according to contract, in obtaining peaceable and quiet possession of that part of the road lying between York and Meridian, and the machinery, work-shops, &c., at Meridian, and was paid to actual creditors

of the Alabama and Chattanooga railroad company for work and labor.

It is well known that I started trains over the A. & C. R. R. without a dollar in hand, had much work to do on the track to make trains run at all—tanks to be repaired, water and wood supplied, as well as provisions to advance before laborers could be procured, and supplies generally to purchase. I had fears that the road would not earn enough at the dull season to meet obligations which would become due 15th September, and gave instructions that the old iron on the road might be sold to pay any deficit there might be. I believed, and still believe, that I had a right to use unserviceable property to be constructed into actual improvements on the road. The amount of money obtained from sales is reported in the treasurer's statement.

I do not believe that a single pound of new iron has been removed from the road. Such a charge was made in a bill filed by one Drake, in the circuit court of the United States, at Mobile, and there shown to be utterly false. I have caused to be constructed a large number of side-tracks, have laid down new iron thereon; some new iron has been taken from the road and is now held under attachments, and a considerable quantity yet remains along the line. It would have been impossible to remove this iron from the road without going over either the Mobile and Ohio or Vicksburg and Meridian roads. The superintendents of these roads will be good witnesses to determine the fact.

Up to the 13th of November I continued to operate the road successfully, running trains from Meridian to Attala, the earnings being sufficient to pay running expenses. The increase of business reasonably looked for, from carrying the incoming cotton crop, induced me to anticipate to some extent, the earnings of the road for requisite construction, and when finally I made arrangements with the Georgia receiver to run trains through the whole distance from Meridian to Chattanooga, I felt assured that my expectations would be realized, "and the net earnings of the road would be sufficient to rapidly replace the amounts anticipated for construction, and at the same time pay off such expenses as had been incurred in obtaining possession of the road." But scarcely had I left Chattanooga after entering into the agreement referred to, and made my report to the governor, before dissensions commenced between officers appointed by me and those I had appointed at the request of the Georgia receiver. Gen.

Wofford, the receiver, to my surprise, assumed control and began to discharge and appoint officers without even a consultation, until finally the whole force became so demoralized as to render it almost certain that instead of deriving profits from running through, heavy losses would be incurred. Compelled to remain in Montgomery to attend an investigating committee, and give attention to vexatious law suits, where the interest of Alabama was involved; compelled to go to Mobile to attend court there when the same interests had to be looked after, I felt constrained to submit for a short time to these irregularities, as the lesser of the two evils, rather than break up with the Georgia receiver by giving the requisite notice.

The dissensions caused by conflicting and contradictory orders, the vile emissaries employed to produce disaffections and embarrassments along the line, the great publicity given to false charges, and maladministration and corruption; the investigation of committees, and the suit before the United States court at Mobile, all coming together, have not failed to create embarrassments and disturbances too great for me to encounter. The business of the road has been completely destroyed, and I now believe it will be impossible to continue running trains through to Chattanooga without loss and damage.

The condition of the road has not materially changed since my report; much work has been done where, if not done, the road would now have been impassable. The temporary trestling to which I have referred, can not last much longer. Built of sap timber, with the bark on, put together with spikes, and braced with slender poles, the time must soon arrive when no amount of repair short of actual reconstruction will make these trestles safe, either for freight or passengers. I have at heavy expense and with great care, kept them in safe condition, but the road no longer yielding an income sufficient to do so. I am constrained to acknowledge "my expectations have not been realized," and that under all the adverse circumstances stated, the road will probably have to stop, before such disposition can be made of it as to render the State safe, or to insure the prompt payment of debts incurred on account of actual construction required.

It has been asked, and in some circles made the subject of criticism, how I, being receiver for the State, became custodian, and afterwards assignee in bankruptcy? As it may be of interest to the committee, I will here state the facts. I

was in court when the A. & C. R. R. company was declared bankrupt. The judge asked who he should appoint as temporary custodian, when it was suggested that as but a few days would elapse before the election of assignees, the property might remain in the hands of the receiver. The judge assented to this, and I accepted the charge, after conference with the State's attorneys, and with the proviso that in so doing no compromise was made as to my position as receiver for the State. When afterwards the assignees were elected, I was absent from Montgomery, and knew nothing of my election until seeing the names published in a newspaper ; and I accepted the position only after full consultation with the State's counsellors. Your committee might obtain same satisfactory information from the attorneys for the State, Messrs. Stone, Clopton, Troy, Pettus, and from Hon. Wm. M. Brooks of Selma.

Very respectfully,

JOHN H. GINDRAT.

The following statement of receipts and disbursements of the A. & C. R. R. is herewith submitted, as a part of the report of Col. Gindrat, by the committee :

STATEMENT OF RECEIPTS AND DISBURSEMENTS OF THE A. AND C.
R. R. UP TO NOVEMBER 6, 1871.

General expenses.....	\$ 1,400 23		
Construction, paid on vouchers.....	158 92		
Material in machine shops.....	509 61		
Material in store.....	178 71		
Oil and waste.....	276 30		
Wood and coal.....	3,569 70		
Freights.....	51 93		
Water Tanks.....	69 10		
Supplies.....	383 86		
On August pay rolls.....	9,454 34		
Laborers, paid on vouchers.....	3,392 45		
Maintenance of way.....	143 45		
Material car shops.....	131 00		
Motive power.....	63 40		
Conducting transportation.....	1,289 53		
Printing and stationery, not in general expenses...	186 90		
Maintenance of cars.....	35 75		
Telegraph, not in agencies.....	226 26	\$ 72 40	
Rent account.....	15 00		
Old iron, expense of selling.....	218 25	3,970 00	
York agency.....	3,375 78	3,337 69	
Springville agency.....		680 96	
Tuskaloosa agency.....	3,164 37	12,031 13	
Vance's agency.....		30 95	
Cuba agency.....	2 00	643 17	
Trussville agency.....	1 10	149 75	
Eutaw agency.....	438 77	4,107 23	
Elyton agency.....	238 22	3,235 50	
Boligee agency.....		388 77	
Epes agency.....	60 00	546 02	
Livingston agency.....	144 95	2,243 22	
Attala agency.....	10 48	2,297 96	
Birmingham agency.....	50 00	2,663 72	
Jonesboro agency.....	1 75	165 20	
Stewart's agency.....		404 28	
Tannehill's agency.....		182 15	
Green Pond agency.....		146 60	
Toomsba agency.....		128 17	
Carthage agency.....	116 61	398 11	
Farrow's agency.....		95 75	
Kennedale agency.....		65 29	
Haysville agency.....		52 94	
Akron agency.....		189 20	
Meridian ticket agency.....		1,552 81	
Steel's.....		3 85	
A. P. French, on September rolls.....	3,673 46		
Station agents, ten per cent. commission.....	4 05		
From Acting Treasurer, in August.....		2,190 18	
Passengers.....		6,152 24	
Express account.....		382 01	
Meridian agency, no report.....	4,031 94		
Paid on September pay rolls.....	10,037 13		
Paid on salaries.....	2,401 95		
	<hr/>	<hr/>	
	\$48,507 25	\$48,507 25	
Amount due on August, September and October pay rolls.....		\$30,623 19	
Amount due on salaries.....		2,952 33	
		<hr/>	
		\$33,575 52	

There is on hand, in wood and coal.....	2,500 00
in shops and offices.....	1,200 00
	\$ 3,7000 00
Meridian agency has on hand at least (in vouchers....)	4,000 00
Amount of actual construction, as per statement of H. F. Wheeler and J. McK. Gould.....	30,836 58
	\$38,536 58
Deduct amount due	33,575 52
Net earnings.....	\$ 4,961 06

*Col. John H. Gindrat, Receiver and General Superintendent,
A. & C. R. R.:*

Above you will find statement of the business of the A. & C. R. R., which is respectfully submitted.

December 12, 1871. R. C. RANDOLPH,
Treasurer A. & C. R. R.

REPORT OF W. A. CRAWFORD AND WM. JOHNSON.

MONTGOMERY, ALA., January 22, 1872.

*To the Chairman of the Senate Investigating Committee of the
Management, &c., of the A. & C. R. R.:*

Sir—In accordance with written instructions from your committee, I have passed over the entire line of the Alabama and Chattanooga railroad, for the purpose of examining the condition of the road, bridging, trestling, rolling stock, depots, and all other property belonging to the company, in company with William Johnson, who was also directed by your order to make a similar investigation. In passing over the road, I also noted, in accordance with your instructions, what repairs, additional construction, permanent work, etc., had been done since the management of the road had passed from the control of the company. In making the investigation, I traveled from Meridian to Birmingham, a distance of 151 miles, mostly on foot; altogether I did not ride over 25 miles on trains or hand cars. In making estimates of the work and repairs done, and this report of the condition of the road, rolling stock, etc., I was guided by an active experience of at least fifteen years in railroading, and by an actual

experience of at least two and a half years in the construction of the Alabama and Chattanooga Railroad.

I arrived at Meridian, Miss., on the 8th day of January, 1872. At that point I found engine No. 1, one second-class coach, one express car, one first-class coach and two box cars. The engine was a total wreck, and the cars broken and very badly damaged, apparently from a collision, run off, or other accident. The depot building was in very bad condition, neglected, dirty, and apparently fast going to ruin. Proceeding from Meridian to examine the line of road, we found "Sowashee Bridge" burned at one end, and in bad condition; one mile and a half of old railroad iron, which was along the line of road on section No. 1 when the road passed from the control of the company, was gone; also a half mile of the same kind of iron from section No. 2, and about one mile of the same from section No. 3. Estimating this iron to weigh about fifty pounds to the yard, about two hundred and twenty tons have been taken away from the line on these three sections.

I was well acquainted with the condition of the road from Meridian, Miss., to York Station, Ala., a distance of twenty-seven miles, before its seizure by the State; previous to that time the road was in good condition, and trains were being run by the company from twenty-five to thirty miles per hour in safety; since the seizure the road has depreciated very much in value.

Between York Station and Livingston, a distance of about nine miles, no work has been done of any consequence; the track and road bed have been totally neglected, and between Livingston and Eutaw, a distance of about twenty-seven miles, the condition is about the same; "Brown's Cut," between these two latter points, is in exceeding bad condition; the track in places is out of sight in the mud; the ditches are filled with dirt and water to such a height that the steps of the coaches drag through it as they pass along; in my estimation it will cost at least \$5,000 to put this cut in the same condition that it was before the seizure by the State authorities.

The cut at Eutaw has received some little attention; more work has been done here than at any point on the line from Meridian to Chattanooga; in my estimation this work could have been done for \$800; the work consists in ditching, laying and raising track. The track between Eutaw and Red Gap is in bad condition; the iron in many places is badly

bent, and no work of any consequence has been done between these points.

I found the cut north of Kennedale completely blockaded, on account of a slide; the trains had to transfer passengers and baggage at this point. Red Gap, about six miles north of Elyton, has had some attention; about 2,000 yards of dirt has been taken out of cuts, and the cost of taking this dirt out, estimating it to be worth forty cents per yard, would amount to about \$800.

From Red Gap to Attala, the track is in bad condition, the iron being bent, the track out of line, etc., in many places.

From Attala to Chattanooga the track is in very fair condition, as compared with the rest of the road; no work of any consequence has been done on this part of the line, and no section men are now working upon it.

At Chattanooga we found thirteen flat cars, broken and otherwise in bad order. At Birmingham we found one mail and two flat cars in like condition. Between Tuscaloosa and Carthage we found six box cars and one second-class coach wrecked and badly broken.

The bridges at the Warrior river and Tombigbee river are in bad condition; it is almost impossible to open the draw of the bridge first named; at this bridge there were about 200,000 surplus brick when the State took possession of the road, which have since been removed; we estimate the value of these brick at about \$2,000.

At the time the State seized the road, it was fully equipped with lever cars, hand cars, and all kinds of tools and appurtenances to keep the track in order; now, there is scarcely any tools, many of the cars are broken up or have disappeared, and there is an insufficiency of everything to keep the road in repair.

These depots and section houses are in a dilapidated condition along nearly the entire line of road; since the State authorities have taken possession, a temporary shed or depot has been built at Tuscaloosa, at a cost of about \$.75, and seven new tracks have been temporarily laid down; the average length of these tracks is about three hundred feet, and the aggregate cost of all is estimated to be about \$375.

On the whole, I estimate that the rolling stock of the road has depreciated at least fifty per cent. since the State authorities have been in possession, and the railroad proper from ten to twenty per cent.

We talked with business men along the entire line of road, and found an expression of general dissatisfaction with the

present management; they complained that their freights were not shipped in proper order or time, and are beginning to ship by other roads or conveyances. There is great irregularity in running of trains and rates of tariff; employees complain that they have not been paid for two months. I will state, in conclusion, that when the State authorities took possession of the road, there was a large quantity of new railroad iron—say four hundred tons—together with fish bars and spikes for connecting and laying the same, all of which have disappeared, with the exception of from seventy-five to one hundred bars, and a few kegs of bolts, and a few fish plates, sufficient, probably, to lay the seventy-five or one hundred bars of new iron.

W. A. CRAWFORD.

Sworn and subscribed to this 24th day of January, 1872.

C. O. WHITNEY, Chairman.

I fully concur in the above report of Mr. Crawford, having accompanied him and assisted him in the investigation and estimation referred to by him in said report, in accordance with instructions from the chairman of the Senate special committee on the investigation into the management of the Alabama & Chattanooga Railroad. That portion of the report which speaks of the condition of the road previous to its seizure by the State, I know nothing of.

WM. JOHNSON.

Subscribed and sworn to, January 24th, 1872.

C. O. WHITNEY, Chairman.

The following are the letters alluded to by Mr. Stoneburner in his evidence elsewhere:

MERIDIAN, MISS., September 10, 1871.

Friend Stoney:

Having just this moment found out that the iron is sold to parties in St. Louis, but who I can't find out, as parties take charge of it at Vicksburg who are not the buyers—the iron is only way-billed to them to throw us off our guard. I have heard from good authority that the contract is, when iron arrives in St. Louis to send the money. The first ten car loads have not yet arrived; there are some ten more car loads lying here. Can you go to St. Louis, find out the parties, and get out your injunction, for we can not get any money out of these parties any other way. Six car loads went two days ago—the

iron went by the packet company, (St. Louis.) You can find out in St. Louis; this is our only chance. I think we can bring them on an injunction, or an attachment. Do this to hold the money and not let this management have it.

Success to you. Write me all particulars. In haste.

Yours,

S. SNYDER.

MERIDIAN, MISS., September 16, 1871.

Friend Stoneburner :

Have been expecting to hear something from you before this, but am disappointed. This is our only chance, and I fear, if you did not go to St. Louis on the receipt of my letter, that we are too late, for the largest part of the iron was then in St. Louis, and on its arrival there the money was to be sent here for all. They have had a pay day here. The iron is sent from Vicksburg to F. L. Cobbey, or Colbey, care of Packet Company. It would be very easy to find out the parties here, so you could make no mistake in getting out the injunction and attachment. My claim is \$1,100; will pay a lawyer a good fee if he can collect it. Don't let money keep you back, if there is any chance to get it. There is some iron still remaining in Vicksburg, but the largest part has gone forward—that ten cars that you first saw. There is about six cars in Vicksburg. Do not delay; this is our only chance.

Yours,

S. SNYDER.

Which report was read and referred to the committee on internal improvements.

Report of a standing committee :

APPROPRIATIONS.

Mr. Whitney, from the committee on appropriations, reported favorably to

Senate joint resolution, for paying expenses incurred by the Senate committee to investigate the condition and management of the Alabama & Chattanooga Railroad;

Which was read a third time forthwith, under suspension of the constitutional rule, and passed—yeas 23, nays 0.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Coon, Farden, Glass, Hinds, Johnston, Jones, King, Lambert, Mabry, Mahan, Martin of Russell, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Whitney and Worthy—23.

House bill—

To authorize and require the judges of probate of this State to procure books for recording trusts on personal property and crop liens;

Was read twice forthwith, under suspension of the constitutional rule, and laid on the table.

Message from the House:

HOUSE OF REPRESENTATIVES, }
February 2, 1872. }

Mr. President:

The House has passed Senate bills—

For the relief of Mrs. Priscilla C. Jemison, widow of the late Robert Jemison, jr., of Tuscaloosa county.

The House has originated and passed the following bills—

To amend an act to establish a charter for the town of Elyton, in the county of Jefferson.

To incorporate the town of Prattville.

To incorporate the town of Gilmer, in Lawrence county.

To authorize the administrator of the estate of Alfred Fuller, deceased, who died intestate, to sell the lands belonging to said estate.

To authorize Margaret Wilson, widow of Irwin Wilson, deceased, to sell and convey by deed certain lands therein named.

To establish the fees of the county treasurer of Washington county.

To authorize the issuance of bonds by the court of county commissioners of Elmore county.

To authorize Eliza M. Buchanan, administratrix of the estate of Howell R. Buchanan, deceased, to sell the lands of said estate at private sale.

To amend section three of an act to empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of said county.

To allow G. W. S. Hunter, a blind man of Randolph county, to show *certain things* therein named, free of State and county license.

To repeal "an act to incorporate the Central Southern Mechanical and Literary Institute," approved January 30, 1852.

To repeal an act incorporating the town of Fayetteville, in Talladega county.

To raise revenue for the State.

To incorporate the Protection Hook & Ladder Company No. 1, of Selma.

In relation to asylums and other institutions in this State.

For the relief of Howard College.

ELLIS PHELAN,
Clerk.

Senate then adjourned until 10½ o'clock to-morrow morning.

FORTY-SIXTH DAY.

SATURDAY, February 3, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Dr. Gwin of this city.

ROLL CALL.

On the call of the roll the following senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Glass, Hinds, Johnston, Jones, King, Lambert, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Whitney and Worthy—25.

READING OF JOURNAL.

Journal of yesterday was read and approved.

LEAVES OF ABSENCE.

Leave of absence was granted to Lieutenant Governor Moren, by a rising vote, being called away by the death of his adopted son, Samuel D. Pitts.

Leave of absence was granted to Mr. Mahan.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills and joint resolutions were introduced:

By Mr. Sevier—

To provide books and stationery for sheriff;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sanford—

Supplemental to an act incorporating the town of Oxford, in Calhoun county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

To exempt the judge of probate, register in chancery and attorneys of Elmore county, from the provisions of "an act to prohibit attornies in certain cases from practicing their profession in the probate and chancery courts";

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Stow—

To relieve Thomas B. Taylor of Montgomery county from the penalty of double assessment for the year 1871;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

To authorize A. J. Henderson, administrator of Stephen D. Smilie, deceased, late of Pike county, to sell at private or public sale the city lots belonging to the estate of said decedent;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sevier—

For the relief of William S. Gray, of Colbert county;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

By Mr. Glass—

To authorize Zachariah Rogers, of Macon county, to peddle without license;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

By Mr. Whitney—

To enable James Hale, of Marshall county, to practice medicine in Marshall county free of license of any kind;

Which bill was read twice forthwith, under suspension of

the constitutional rule, and referred to the committee on grievances and disabilities.

By Mr. Martin of Tuscaloosa—

To amend section 636 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

Mr. Bromberg moved to exempt the judge of the city court of Mobile.

Mr. Worthy moved to exempt the probate judges of Pike and Covington counties.

Mr. Oliver moved to exempt the probate judge of Jefferson county.

Bill and amendments were referred to the judiciary committee.

By Mr. Lambert—

To relieve the Savannah & Memphis Railroad Company from illegal assessment of taxes ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Martin of Tuscaloosa, Lambert and Pennington.

By Mr. Royal—

To prevent unlawful injury to animals and property ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

By Mr. Farden—

To repeal section 1186 of the Revised Code of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Farden—

Regulating the receiving of freights by the various rail roads centering at Montgomery ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and laid on the table.

By Mr. Farden—

To punish illegal voting in Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Coon—

For the relief of purchasers under sales made by order of the probate court ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. King—

To provide for the removal of the county seat of Morgan county from Somerville to Decatur, in said county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to committee on municipal and county organizations.

By Mr. Miller—

Joint resolution providing for the appointment of commissioners from Alabama to attend an agricultural convention to assemble at Washington City on the 15th instant ;

Which was read and adopted.

By Mr. Pennington—

Joint resolution proposing to extend the present session of the general assembly, but not exceeding the first day of March ;

Which was read.

Mr. Hinds moved to lay the joint resolution on the table ;

Which motion was lost—Yeays 8, nays 13.

Those who voted in the affirmative are—

Messrs. Coon, Farden, Hinds, King, Lambert, Richards, Sevier and Sibley—8.

Those who voted in the negative are—

Messrs. Barr, Bromberg, Johnston, Jones, Mabry, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Sanford, Steward and Whitney—13.

Joint resolution was then adopted—Yeas 14, nays 7.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Farden, Glass, Johnston, Mabry, Martin of Russell, Martin of Tuscaloosa, Pennington, Sanford, Sibley, Steward, Whitney and Worthy—14.

Those who voted in the negative are—

Messrs. Coon, Hinds, Jones, King, Oliver, Richards and Sevier—7.

NON-CONCURRENCE.

On motion of Mr. Jones—

Senate refused to concur in the amendment of the House to Senate bill—

To repeal sections 3931, 3935, 3936, 3937, 3939 of the Revised Code of Alabama, so far as the same relate to the counties of Covington and Marengo.

Message from the House:

HOUSE OF REPRESENTATIVES, }
February 3, 1872. }

Mr. President:

The House has passed bills as follows:

To provide an additional term of the chancery court for the first district of the middle division, composed of the county of Coosa.

To authorize Warner Bailey, of Choctaw county, to erect gates across the public highway.

To amend subdivision 16 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868.

Requiring the sureties on the official bonds of the county officers of Elmore county to reside in said county.

For the relief of James Vansandt, of Coosa county.

To repeal an act to suppress murder, lynching, and assaults and batteries, approved December 28, 1868, so far as relates to the counties of Cleburne, Fayette, Sanford, Lawrence and Henry.

To incorporate the town of Pine Apple, in Wilcox county.

To amend an act to incorporate the Rock and Lignite Oil Company of Alabama.

To incorporate the town of Ashville, in St. Clair county.

The House has adopted a joint resolution, a copy of which is herewith transmitted.

ELLIS PHELAN,
Clerk House of Representatives.

Senate then adjourned until 10½ o'clock Monday morning.

FORTY-SEVENTH DAY.

MONDAY, February 5, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Kinzer, of the Methodist Protestant church of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—28.

READING OF JOURNAL.

Journal of yesterday was read and approved.

REPORT OF A SELECT COMMITTEE.

Mr. Lambert, from select committee, reported favorably to Senate bill—

To relieve the Savannah and Memphis railroad company from illegal assessment of taxes;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

NOTICE OF RECONSIDERATION.

Mr. Farden gave notice that he would move to reconsider the vote by which the Senate on Saturday adopted Mr. Pennington's joint resolution for extending the present session of the general assembly.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills and resolutions were introduced:

By Mr. Farden—

To make Hannah Oppenheimer of Montgomery a free dealer;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Miller—

To establish an election precinct at Brushy Creek Church, in Conecuh county;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Miller—

To establish the county seat of Escambia county;
Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

To remove and settle the estate of Oliver P. Bessenger from the county of Coosa to the county of Pike;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Bromberg—

Supplemental to the laws relating to life insurance companies not chartered by the laws of this State and doing business in it;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Bromberg, the bill was amended by striking out the word "forever," before the word "debarred," and inserting the words "until it complies."

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Bromberg—

The reciprocal general insurance act of the State of Alabama;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Barr—

To establish the agricultural and mechanical college of the State at Florence, in Lauderdale county, Alabama;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the select committee on the agricultural college.

By Mr. Foster—

Resolution authorizing the secretary of the Senate to employ additional clerical assistance, to keep up the business of engrossing and enrolling bills;

Which was read and laid on the table for the present.

By Mr. Wise—

To authorize and require the court of county commissioners of the several counties of the State to provide means for the necessary clothing of the indigent pupils of the Alabama institution for the deaf and dumb and the blind;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Oliver, the bill was amended so as to read "judge of probate," instead of "judge of the court of county commissioners."

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

REPORT OF A SELECT COMMITTEE.

Mr. Martin of Tuscaloosa, from select committee, reported Joint memorial to congress, asking a grant of lands for the Warrior and Tennessee Rivers Railroad ;
Which was read and adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
February 5, 1872.

Mr. President :

The House has originated and passed bills as follows :

To establish additional revenue laws for the State of Alabama, applicable alone to the county of Dallas ;

For the relief of the estate of Isaac Winston, sr., late of Franklin county ;

For the relief of the Pleasant Ridge Female Institute, in Greene county.

ELLIS PHELAN,
Clerk House Representatives.

SPECIAL ORDER.

At 11 o'clock, the special order set for that hour, it being,
Senate bill—

Supplementary to an act to relieve and regulate the finances of the State, was postponed, the bill being in the hands of the State printer, and out of possession of the Senate.

SPECIAL ORDER.

The next special order set for 11 o'clock, came up, it being,

REPORT OF A SELECT COMMITTEE.

Mr. Lambert, from the select committee, reported a substitute for

Senate bill—

For the relief of the widows in Alabama, created by the war ;

Which substitute was adopted.

Mr. Farden moved to amend, as follows :

Strike out in section one, "five hundred thousand," and insert "two hundred thousand ;"

Which amendment, on motion of Mr. Pennington, was laid on the table ;

Yeas 19, nays 6.

Those who voted in the affirmative, are—

Messrs. Bromberg, Coon, Glass, Hinds, Johnston, King, Lambert, Martin of Russell, Miller, Oliver, Pennington, Royal, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—19.

Those who voted in the negative, are—

Messrs. Farden, Foster, Mabry, Martin of Tuscaloosa, Richards and Sanford—6.

Mr. Farden moved to amend section two, by striking out “\$200, \$300, \$400 and \$500,” and inserting respectively, as follows : “\$100, \$200, \$250 and \$300.”

Which amendment, on motion of Mr. Pennington, was laid on the table ;

Yeas 19, nays 7.

Those who voted in the affirmative, are—

Messrs. Barr, Bromberg, Coon, Glass, Hinds, King, Lambert, McAfee, Martin of Russell, Miller, Oliver, Pennington, Richards, Sevier, Sibley, Steward, Stow, Wise and Whitney—19.

Those who voted in the negative, are—

Messrs. Farden, Foster, Johnston, Mabry, Martin of Tuscaloosa, Sanford and Worthy—7.

Mr. Barr moved to lay the whole subject on the table.

Which motion was lost ;

Yeas 5, nays 19.

Those who voted in the affirmative, are—

Messrs. Barr, Oliver, Richards, Sevier and Worthy—5.

Those who voted in the negative, are—

Messrs. Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, McAfee, Mabry, Martin of Russell, Pennington, Sanford, Sibley, Steward, Wise and Whitney—19.

Mr. Worthy moved to amend, by striking out in section one, “five hundred thousand,” and inserting “one million.”

Mr. Pennington moved to lay said amendment on the table.

Which motion was lost ;

Yeas 8, nays 19.

Those who voted in the affirmative, are—

Messrs. Farden, Glass, Johnston, King, Lambert, Oliver, Pennington and Royal—8.

Those who voted in the negative, are—

Messrs. Barr, Bromberg, Coon, Foster, Hinds, Jones, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Richards, Sanford, Sevier, Sibley, Steward, Wise, Whitney and Worthy—19.

Mr. Worthy's amendment was then adopted ;

Yeas 18, nays 7.

Those who voted in the affirmative, are—

Messrs. Barr, Coon, Foster, Hinds, Johnston, Jones, King, Lambert, Martin of Russell, Miller, Pennington, Richards, Sevier, Sibley, Steward, Wise, Whitney and Worthy—18.

Those who voted in the negative, are—

Messrs. Bromberg, Farden, McAfee, Martin of Tuscaloosa, Oliver, Royal and Sanford—7.

Mr. Richards moved to amend, as follows :

“ *Be it further enacted*, That the provisions of this act shall apply to all widows in this State, whose property, real or personal, does not exceed five hundred dollars.”

Senate refused to lay said amendment on the table ;

Yeas 8, nays 16.

Those who voted in the affirmative, are—

Messrs. Barr, Coon, Hinds, Johnston, King, Lambert, Royal and Sibley—8.

Those who voted in the negative, are—

Messrs. Bromberg, Foster, Glass, Jones, McAfee, Mabry, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Sanford, Sevier, Steward, Wise and Worthy—16.

Pending consideration of which amendment,

Senate adjourned until 10½ o'clock to-morrow morning.

FORTY-EIGHTH DAY.

TUESDAY, February 6, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Kinzer, of this city.

ROLL CALL.

On call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise and Whitney—27.

READING OF JOURNAL.

Journal of yesterday, was read and approved.

On motion of Mr. Sibley,

Senate bill—

To create a lien for mechanics, laborers and others, was made special order for 11 o'clock to-morrow morning.

Message from the House:

HOUSE OF REPRESENTATIVES, }
February 6, 1872. }

Mr. President :

The House has originated and passed the following bills :

To authorize Ann Eliza Millicert James, wife of Archer Bolling James of Madison county, to mortgage her separate estate in said county of Madison for the purpose of borrowing money.

To suppress murder, lynching and assaults and batteries, approved December 28th, 1868, so far as the same relates to Choctaw county.

To authorize the Memphis & Charleston railroad company to issue additional bonds, to be known as consolidated bonds, and to be secured by mortgage upon the property of said company.

To prescribe the time when the criminal dockets shall be taken up in the counties of Walker, Fayette, Marion, Sanford and Winston.

To amend section 117 of an act entitled an act to establish revenue laws for the State of Alabama, approved December 31st, 1868, so far as the same applies to the county of Henry.

To prohibit the sale of vinous or spirituous liquors within one mile and a half of the male and female academy at Sandy Ridge, Lowndes county.

To suppress murder, lynching and assaults and batteries, so far as the same relates to Greene county.

To fix the time for the trial of criminal cases in the circuit court of Barbour county.

To repeal an act to suppress murder, lynching and assaults and batteries, in so far as the same relates to the county of Calhoun.

For the relief of Tallassee Manufacturing Company, No. 1.
ELLIS PHELAN, Clerk.

Message from the Governor :

Mr. President :

I am directed by His Excellency the Governor to inform you that he has approved the following acts originating in the Senate, viz :

For the relief of the tax collector of Madison county.

To prevent the wanton destruction of fish in Madison county.

For the relief of Nellie Croney of Colbert county.

For the consolidation of the Mobile and Northwestern railroad companies of Alabama and Mississippi, and to ratify the same.

To ratify and confirm the action of the municipal authorities of the city of Mobile in reference to the Mobile and Northwestern railroad.

To authorize J. W. McBrayer of Coosa county to sell certain real estate.

To fix the time of holding the circuit court in the 7th judicial circuit.

To prohibit the sale of vinous or spirituous liquors at or within two miles of Liberty church and Central academy in the county of Bullock.

To make the clerks of the circuit courts of Hale, Crenshaw, and Barbour counties *ex officio* clerks of the county courts.

To amend section eleven of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State.

To prevent the sale of spirituous liquors within two miles of Hickory Bend church, in Montgomery county.

To authorize Mrs. Phereby Roberson to sell certain lands therein described.

For the relief of Mrs. Priscilla C. Jemison, widow of the late Robt. Jemison, jr. of Tuscaloosa county.

To authorize the removal of the guardianship of W. A. Gholdson to the probate court of Bullock county.

To authorize Mrs. Elizabeth C. Prim to sell certain lands therein described.

For the relief of William C. McIver, administrator of the estate of Seaborn Jones, deceased.

To prevent the selling of spirituous or vinous liquors within three miles of Liberty, Midway and Rehoboth churches in Montgomery county.

To amend section 1721 of the Revised Code.

Respectfully,

W. V. CHARDAVOYNE,
Secretary.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To change the boundary line between the counties of Bullock and Barbour;

Was read a third time and passed.

Yeas 22, nays 0.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Hinds, King, Lambert, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward and Wise—22.

House bills—

To change the line between the counties of Tallapoosa and Lee;

To change the boundary line between Lee and Tallapoosa counties, so as to include the north-east quarter of section 14, and the east half of section 15, township 20 and range 24, in Lee county ;

Were severally read a third time and laid on the table.

House bill—

To prevent the sale, gift or delivery of any fermented, vinous or spirituous liquors within three and a half miles of Syllacauga, Talladega county ;

Was read a third time and passed.

House bill—

To confer upon married women under twenty-one years of age, the same rights and obligations in law and equity, as are possessed by married women over twenty-one years of age ;

Was read a third time and laid on the table—yeas 17, nays 3.

Those who voted in the affirmative are :

Messrs. Barr, Coon, Farden, Foster, Hinds, McAfee, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Pennington, Richards, Royal, Sevier, Sibley, Steward and Wise—17.

Those who voted in the negative are :

Messrs. Lambert, Oliver and Sanford—3.

House bill—

To regulate the buying of lottery tickets in this State ;

Was read a third time.

Mr. Pennington moved to lay the bill on the table ;

Which motion was lost—yeas 6, nays 16.

Those who voted in the affirmative are :

Messrs. Barr, Foster, Mabry, Oliver, Pennington and Wise—6.

Those who voted in the negative are :

Messrs. Bromberg, Coon, Farden, Hinds, King, Lambert, McAfee, Martin of Russell, Martin of Tuscaloosa, Miller, Richards, Royal, Sanford, Sevier, Sibley and Steward—16.

The bill was then passed.

House bill—

To amend section 3706 of the Revised Code of Alabama,

Was read a third time.

Senate refused to lay the bill on the table—yeas 10, nays 11.

Those who voted in the affirmative are :

Messrs. Barr, King, McAfee, Mabry, Oliver, Pennington, Richards, Royal, Sanford and Whitney—10.

Those who voted in the negative are :

Messrs. Bromberg, Coon, Farden, Foster, Hinds, Martin of Russell, Martin of Tuscaloosa, Sevier, Sibley, Steward and Wise—11.

On motion of Mr. Whitney, the bill was indefinitely postponed—yeas 17, nays 4.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, King, Lambert, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward and Stow—17.

Those who voted in the negative are :

Messrs. Coon, Farden, Foster and Wise—4.

House bill—

To repeal an act entitled “an act to change and establish the line between the counties of Jackson and DeKalb,” approved March 3, 1870 ;

Was read a third time and passed—yeas 24, nays 4.

Those who voted in the affirmative are:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Hinds, Johnston, King, Lambert, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise and Whitney.—14.

House bill—

To establish revenue laws for the State of Alabama;

Was taken up on its second reading.

Mr. Hinds moved to lay the bill on the table;

Which motion was lost—yeas 11, nays 13.

Those who voted in the affirmative are—

Messrs. Barr, Hinds, McAfee, Martin of Russell, Miller, Pennington, Royal, Sibley, Steward, Wise and Whitney.—11.

Those who voted in the negative are:

Messrs. Bromberg, Coon, Farden, Foster, Johnston, Lambert, Mabry, Martin of Tuscaloosa, Oliver, Richards, Sanford, Sevier and Stow.—13.

On motion of Mr. Barr, the bill was referred to a select committee, composed of Messrs. McAfee, Richards, Stow, Miller, Bromberg, Sevier, Coon, Farden and Barr, with instructions to report at 11 o'clock on Thursday next, for which hour it was made special order.

House bill—

To prohibit the sale of spirituous or vinous liquors within three miles of New Hope Church in Macon county;

Was read a second and third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend sections 3514, 3515, 3517 and 3518 of the Revised Code of Alabama;

Was read a second time and referred to the judiciary committee.

House bill—

To authorize the mayor of Mobile city to take cognizance of and try cases of misdemeanor;

Was read a second time and referred to the judiciary committee.

House bill—

For the relief of James Vansandt of Coosa county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the relief of the estate of Isaac Winston, Sr., deceased, late of Franklin county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the relief of Tallassee Manufacturing Company No. 1 ;

Was read twice farthwith, under suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Farden, Lambert and Coon, with instructions to report at 11 o'clock to-morrow, for which hour it was made special order.

Senate then adjourned until 10½ o'clock to-morrow morning.

FORTY-NINTH DAY.

WEDNESDAY, February 7, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Kinzer of this city.

ROLL CALL.

On the call of the roll the following senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, McAtee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise and Whitney—29.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts the following bills were introduced :

By Mr. McAfee—

To prohibit the sale or other disposition of intoxicating liquors within three miles of Mt. Zion Baptist Church, Alexandria Methodist Episcopal Church and Alexandria Academy, near the town of Alexandria, Calhoun county.

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

To refund to Mrs. M. J. Lampley, certain State taxes improperly collected ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

To make Mrs. Mary Ellison, a free-dealer ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

To provide for the removal of the county site of Morgan county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Bromberg—

For the relief of the tax collector of Tuscaloosa county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Miller—

For the relief of E. M. Hughston, of Butler county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Pennington—

To make Mrs. Edith Parker Willson, of Lee county, a free-dealer ;

Which bill was read three times forthwith, under suspension of the constitutional rule and passed.

By Mr. Mabry—

To incorporate the Sandy Ridge church in Barbour county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Farden—

Conferring certain authority upon the Alabama detectives ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Bromberg—

For the relief of Robert Townsend Dade, Charles Townsend Dade and Harry Mitchell Dade, minor children of Robert T. Dade, deceased, late of Mobile county;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Miller—

To provide for appeals from judgments and decrees of probate courts to juries, in certain cases;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

Reports of Standing Committees :

MUNICIPAL AND COUNTY ORGANIZATIONS.

Mr. Sanford, from the committee on municipal and county organizations, returned to the Senate,

Senate bill—

For the removal of the county seat of Morgan county, from Somerville to Decatur, in said county.

ACCOUNTS AND CLAIMS.

Mr. Foster, from the committee on accounts and claims, reported favorably to

Senate bill—

For the relief of John Post of Pike county;

Which bill was read a third time forthwith, under suspension of the constitutional rule and passed.

Message from the House :

HOUSE OF REPRESENTATIVES, }
February 7, 1872. }

Mr. President :

The House has passed Senate bill—

To refund to Barbour county, certain amounts of money erroneously allowed from the county tax.

And has concurred in Senate amendments to the following House bills :

To prohibit the sale of liquors within two miles of Cedar Hill church, in Cherokee county;

To prevent the sale of liquors within two miles of Charcoan church, in Sumter county ;

To prevent the sale of liquors within four miles of Bethesda church, and Hopewell church in the county of Montgomery ;

To amend the charter of the city of Talladega, and to confer additional powers on the mayor and aldermen of said city ;

To prohibit the sale of spirituous liquors within three miles of the M. E. church at Warrior Stand, Macon county ;

To increase the pay of witnesses in attendance upon all courts in Greene county except justices' courts.

The House has originated and passed bills, as follows :

To prohibit the sale of lottery tickets, &c., to minors, in this State ;

To establish a new charter for the town of Gadsden, Etowah county ;

To fix the time and place of holding the chancery court in the district composed of the counties of Barbour, Henry and Dale, of the eastern chancery division of Alabama.

ELLIS PHELAN,

Clerk of House.

House bill—

To authorize the administrator of the estate of Alfred Fuller, deceased, who died intestate, to sell the lands belonging to said estate ;

On motion of Mr. Steward, was taken up, read three times forthwith, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At 11 o'clock, the special order set for that hour, came up, it being a report of a select committee.

Mr. Farden, from select committee, reported favorably, with an amendment, to House bill—

For the relief of Tallassee Manufacturing Company No. 1 ;

Mr. Barr moved to lay said amendment on the table ;

Which motion was lost.

Yeas 9, nays 14.

Those who voted in the affirmative are :

Messrs. Barr, Coon, McAfee, Mabry, Martin of Russell, Oliver, Pennington, Sanford and Stow—9.

Those who voted in the negative are :

Messrs. Bromberg, Farden, Foster, Glass, Johnston, King, Lambert, Mahan, Martin of Tuscaloosa, Miller, Richards, Sevier, Sibley and Wise—14.

Mr. Sibley moved to lay the bill and amendment on the table ;

Which motion was lost.

Yeas 8, nays 19.

Those who voted in the affirmative are :

Messrs. Bromberg, Farden, King, Mahan, Martin of Tuscaloosa, Royal, Sevier and Sibley—8.

Those who voted in the negative are :

Messrs. Barr, Coon, Foster, Glass, Johnston, Jones, Lambert, McAfee, Mabry, Martin of Russell, Miller, Oliver, Pennington, Richards, Sanford, Steward, Stow, Wise and Whitney—19.

Said amendment was then lost.

Yeas 8, nays 18.

Those who voted in the affirmative are :

Messrs. Farden, Glass, Lambert, King, Mahan, Martin of Tuscaloosa, Richards and Sibley—8.

Those who voted in the negative are :

Messrs. Barr, Coon, Foster, Hinds, Johnston, Jones, McAfee, McIntosh, Mabry, Martin of Russell, Miller, Oliver, Pennington, Royal, Sanford, Steward, Stow, Wise and Whitney—18.

Mr. Farden moved to amend by adding :

“ That this act shall apply only to the taxes due the State of Alabama ;”

Which amendment, on motion of Mr. Barr, was laid on the table.

Yeas 18, nays 7.

Those who voted in the affirmative are :

Messrs. Barr, Coon, Hinds, Johnston, Jones, Lambert, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Pennington, Richards, Sanford, Sibley and Wise—18.

Those who voted in the negative are :

Messrs. Farden, Foster, King, Oliver, Royal, Sevier and Stow—7.

Bill was then read a third time forthwith, under suspension of the constitutional rule and passed.

Yeas 14, nays 13.

Those who voted in the affirmative are :

Messrs. Barr, Coon, Foster, Glass, Hinds, Johnston, McIn-

tosh, Mabry, Martin of Russell, Oliver, Pennington, Steward, Wise and Whitney—14.

Those who voted in the negative are :

Messrs. Bromberg, Farden, Jones, King, Lambert, McAfee, Mahan, Martin of Tuscaloosa, Richards, Royal, Sanford, Sevier and Sibley—13.

Ordered forthwith to the House.

On motion of Mr. Sibley, the Senate bill—

To provide a lien for mechanics, laborers and others, was postponed until 12 o'clock to-morrow, and made special order from day to day until disposed of.

Report of a select committee :

Mr. Farden, from select committee, reported favorably to Senate bill—

Providing for the disposal of the funds arising from the sale of the public lands donated by Congress to Alabama, for the benefit of agriculture and the mechanic arts ;

Said bill was made special order for 11 o'clock, on Saturday next.

House bill—

To repeal an act entitled " an act to authorize the courts of county commissioners of St. Clair, Walker and Choctaw counties respectively, to build bridges and have public buildings repaired, and make the same preferred claims against said counties," approved February 7th, 1870, so far as the same relates to the county of St. Clair ;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Foster, the bill was amended, so as to extend the report to the " county of Choctaw ;"

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Senate then adjourned until 10½ o'clock to-morrow morning.

FIFTIETH DAY.

THURSDAY, February 8, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. ———.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise and Whitney—29.

READING OF JOURNAL.

Journal of yesterday was read and approved.

RESOLUTION TO EXTEND THE SESSION.

The Senate joint resolution to extend the present session of the General Assembly, as amended by the House, was taken up.

Mr. Oliver moved to postpone its further consideration until the 14th instant;

Which motion was lost.

Yeas 4, nays 25.

Those who voted in the affirmative are:

Messrs. Buckley, Coon, Martin of Russell and Oliver—4.

Those who voted in the negative are:

Messrs. Barr, Bromberg, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, McAfee, Mabry, Mahan, Martin of Tuscaloosa, Miller, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise and Whitney—25.

Senate then concurred in the amendment of the House.

Yeas 17, nays 12.

Those who voted in the affirmative are:

Messrs. Barr, Buckley, Glass, Johnston, King, Lambert, McIntosh, Martin of Russell, Martin of Tuscaloosa, Oliver, Pennington, Sanford, Sibley, Stow, Wise and Whitney—17.

Those who voted in the negative are:

Messrs. Bromberg, Coon, Farden, Foster, Hinds, Jones, McAfee, Mabry, Oliver, Richards, Royal and Sevier—12.

SPECIAL ORDER.

At 11 o'clock Mr. McAfee, chairman of the select committee on House bill—

To establish revenue laws for the State of Alabama,
 Reported progress.
 Said bill was made special order for 12 o'clock on Saturday
 next.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, {
 February 8, 1872. }

Mr. President :

The House has amended the Senate joint resolution in relation to adjournment, as follows :

Strike out "1st March," and insert in lieu thereof "15th February," and add at the end of the resolution the following words: "And on said day the two houses of the general assembly do adjourn *sine die*;"

And as amended has adopted the same.

ELLIS PHELAN,
 Clerk House Representatives.

HOUSE OF REPRESENTATIVES, {
 February 8, 1872. }

Mr. President :

The House has adopted an address to the governor, a copy of which is herewith transmitted, for the removal from office of Hon. John Elliott, judge of the sixth judicial circuit of Alabama, and asks the concurrence of the Senate therein.

ELLIS PHELAN,
 Clerk House Representatives.

HOUSE OF REPRESENTATIVES, {
 February 8, 1872. }

Mr. President :

I am instructed by the House to transmit to the Senate the testimony taken by the House, in the matter of the address adopted by the House to the governor for the removal from office of the Hon. John Elliott, judge of the sixth judicial circuit, to-wit:

Testimony of Ben Lane Posey, J. Little Smith, Samuel F. Rice, D. C. Anderson, H. Austell, P. Hamilton, A. M. Granger, R. Inge Smith, Thos. H. Herndon, R. H. Knox, D. S. Troy, J. C. Savage, D. D. Dawson, Rufus Dowe, George Turner, W. W. D. Turner, Jonathan P. May, J. C. Moses, J. M. Lomrey.

ELLIS PHELAN,
 Clerk House Representatives.

RESOLUTION.

Mr. Coon offered the following resolution, which was read and adopted:

Resolved, That this Senate suspend the regular order of the day, for the purpose of considering the House message of address to the governor, praying for the removal by his Excellency of the Hon. John Elliott, judge of the sixth judicial district.

HOUSE ADDRESS AS TO JUDGE ELLIOTT.

Senate then took up the House address to the governor for the removal of the Hon. John Elliott, judge of the sixth judicial circuit;

Which was read.

Mr. Farden offered the following resolution, which was read and lost:

Resolved, That the sergeant-at-arms be instructed to notify the Hon. John Elliott to appear at the bar of this Senate and make answer to the address now pending; and that he be allowed the privilege of the floor of the Senate, together with his counsel.

Mr. Bromberg moved to refer the whole subject to a select committee.

RECESS.

Senate took a recess for a half hour, in order to witness a review of the University cadets on capitol square.

After the expiration of recess, Senate was called to order.

Mr. Bromberg's motion to refer was lost.

Hon. John Elliott and his counsel then took seats within the bar of the Senate.

Mr. W. W. D. Turner, counsel for Judge Elliott, filed the following bill of exceptions:

Before the honorable the Senate of the general assembly of Alabama, in the matter of the proposed address on the part of the Senate to the Governor of the State, for the removal from office of Hon. John Elliott, of the sixth judicial circuit of Alabama.

And now comes the said John Elliott, by his counsel, and says to the honorable the Senate of the general assembly of Alabama, that he ought not to be held to answer the charges preferred against him in this matter, and contained in the resolutions of the House of Representatives—

First. Because they contain no specific charge of willful neglect of duty, nor assert anything amounting to a reasonable cause with sufficient certainty to enable him to defend against it.

Second. Because, in the first, second and third specifications of the proposed address, the allegations are general only, and do not admit of any specific proof, there being neither time, place nor circumstance mentioned; and that in order to defend himself from said general accusations, he will be compelled to exhibit to the Senate every official act of his life as judge of said sixth judicial circuit.

Third. Because the resolutions of address sent to this honorable body by the House of Representatives did not pass that honorable body by the requisite two-thirds vote contemplated by the constitution, as will be apparent by the journal of said house, and so decided by the speaker.

Fourth. Because, on the vote for the adoption of the address in the House of Representatives, eighty-eight members of said house were present, and fifty-eight members of said house voted for the address and twenty-eight voted against it, and two members present were excused from voting; and he says that said address did not pass said house by the vote of two-thirds thereof, as required by the constitution of this State.

Wherefore, he prays to be dismissed, without making any other or further answer to this proceeding.

W. W. D. TURNER,

J. A. ELMORE,

of counsel for John Elliott, respondent.

RESOLUTION.

Mr. Whitney offered the following resolution :

Resolved by the Senate of the General Assembly of Alabama, That the exceptions filed by the Hon. John Elliott, judge of the sixth judicial circuit of Alabama, in the matter of his proposed removal from the office now held by him, be sustained, and that he be discharged from further answer.

Mr. Pennington moved to indefinitely postpone the whole subject, which motion was afterwards withdrawn.

Pending consideration of Mr. Whitney's resolution—

Senate adjourned until 10 $\frac{1}{4}$ o'clock to-morrow morning.

FIFTY-FISRT DAY.

FRIDAY, February 9, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Lambert of the Senate.

ROLL CALL.

On the call of the roll the following senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, King, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—30.

READING OF JOURNAL.

Journal of yesterday was read.

On motion of Mr. Foster, the journal was corrected.

Thus corrected, it was approved.

BILL INTRODUCED.

Mr. Miller, with leave, introduced a bill—

To amend an act entitled, "an act to amend section eleven of an act to furnish the aid and credit of the State of Alabama, for the purpose of expediting construction of railroads within the State ;"

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

Message from the House :

HOUSE OF REPRESENTATIVES, }
February 9, 1872. }

Mr. President :

The House adopted a joint resolution herewith transmitted, in relation to the appointment of a committee to divide the State into seven Congressional districts. Committee on the

part of House: Messrs. Henderson, Oates, Bradford, Doster, Crook and Hewitt.

The House has passed Senate bill—

For the relief of Martha N. Lane, of Madison county ;

And has also originated and passed a bill as follows :

To exempt all transcripts and other papers used in making out claims for pensions and county claims, &c., from stamp tax on State and county seals.

*ELLIS PHELAN,
Clerk.

REGULAR ORDER SUSPENDED.

On motion of Mr. Whitney, regular order was suspended.

ADDRESS AS TO JUDGE ELLIOTT.

Senate then resumed consideration of Mr. Whitney's resolution, to sustain the bill of exceptions filed on yesterday by the counsel of the Hon. John Elliott, judge of the 6th judicial circuit.

Mr. Bromberg offered the following substitute :

Resolved, That the proceedings upon the address for removal of Hon. John Elliott, judge of the 6th judicial circuit, are not in their nature judicial ; that this Senate is now sitting, only in its ordinary capacity, as one of the co-ordinate branches of the General Assembly, and that the defense must be confined, strictly, to a showing why the address of removal should not be adopted. All demurrers, and technical legal objections to the proceedings in either branch of the General Assembly, say the defence, are hereby declared to be invasions of the rights of the General Assembly, and out of order.

Which substitute, on motion of Mr. Pennington, was laid on the table ;

Yeas 17, nays 11.

Those who voted in the affirmative, are—

Messrs. Buckley, Coon, Foster, Hinds, King, McAfee, McIntosh, Martin of Russell, Pennington, Richards, Royal, Sibbey, Steward, Stow, Wise and Whitney—17.

Those who voted in the negative, are—

Messrs. Bromberg, Jones, Lambert, Mabry, Mahan, Martin of Tuscaloosa, Miller, Oliver, Sanford, Sevier and Worthy—11.

Mr. Bromberg offered the following substitute :

Resolved, That the testimony taken by the House, in the matter of the address for the removal of the Hon. John Elliott, and now in the possession of the Senate, be now read.

Which substitute, on motion of Mr. Foster, was laid on the table;

Yeas 20, nays 7.

Those who voted in the affirmative, are—

Messrs. Buckley, Coon, Foster, Glass, Hinds, Jones, King, Lambert, McAfee, McIntosh, Martin of Russell, Oliver, Pennington, Richards, Royal, Sanford, Steward, Stow, Wise and Whitney—20.

Those who voted in the negative, are—

Messrs. Bromberg, Mabry, Mahan, Martin of Tuscaloosa, Miller, Sevier and Worthy—7.

Mr. Bromberg offered the following substitute:

Resolved, That the president appoint a committee of five, who shall have power to examine witnesses, and to send for persons and papers in the matter of the address of the House, for the removal of Hon. John Elliott, judge of the 6th judicial circuit.

Which substitute, on motion of Mr. Whitney, was laid on the table;

Yeas 18, nays 10.

Those who voted in the affirmative, are—

Messrs. Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, King, Lambert, McAfee, McIntosh, Martin of Russell, Pennington, Richards, Royal, Steward, Wise and Whitney—18.

Those who voted in the negative, are—

Messrs. Bromberg, Mabry, Mahan, Martin of Tuscaloosa, Miller, Oliver, Sanford, Sevier, Stow and Worthy—10.

Mr. Pennington moved to lay the whole subject on the table;

Which motion was lost;

Yeas 14, nays 15.

Those who voted in the affirmative, are—

Messrs. Barr, Buckley, Coon, Foster, Glass, Hinds, Jones, King, Martin of Russell, Pennington, Richards, Royal, Wise and Whitney—14.

Those who voted in the negative, are—

Messrs. Bromberg, Farden, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin of Tuscaloosa, Miller, Oliver, Sanford, Sevier, Steward, Worthy and Mr. President—15.

Mr. Worthy moved to amend, as follows:

“And that this is done in the absence of all the proof and

upon the *ex-parte* statement of the accused through his counsel."

Which amendment was laid on the table ;

Yeas 16, nays 8.

Those who voted in the affirmative, are—

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, McAfee, McIntosh, Martin of Russell, Pennington, Richards, Steward, Wise and Whitney—16.

Those who voted in the negative, are—

Messrs. Bromberg, Mabry, Martin of Tuscaloosa, Miller, Oliver, Sanford, Sevier, and Worthy—8.

Mr. Whitney's resolution was then adopted ;

Yeas 15, nays 9.

Those who voted in the affirmative, are—

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Martin of Russell, Pennington, Richards, McAfee, McIntosh, Wise and Whitney—15.

Those who voted in the negative, are—

Messrs. Bromberg, Lambert, Mabry, Martin of Tuscaloosa, Miller, Oliver, Sanford, Sevier and Worthy—9.

Mr. Whitney moved to reconsider said vote, which motion, on motion of Mr. Barr, was laid on the table.

Messrs. Worthy and Martin of Tuscaloosa, gave notice, that they would present a protest to be entered on the journal of the Senate.

Senate then adjourned until 10 $\frac{1}{4}$ o'clock to-morrow morning.

FIFTY-SECOND DAY.

SATURDAY, February 10, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Kinzer, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Hinds,

Jones, King, Lambert, McAfee, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—27.

READING OF JOURNAL.

Journal of yesterday was read and approved.

LEAVES OF ABSENCE.

Leave of absence was granted to Messrs. Glass, Johnston and Mahan.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills, memorials and resolutions were introduced :

By Mr. Sevier—

For the relief of Henry Pickens Basden of Colbert county;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Worthy, the bill was amended by extending its provisions to—

“Spencer Hurt and Judson Lord, of Pike county.”

On motion of Mr. Oliver, the bill was further amended, by extending its provisions to

“Henry C. Hurst of Jefferson county;”

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sevier—

To authorize the corporate authorities of the city of Tusculumbia to contribute to the erection of a female academy ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sevier—

To prevent frauds and errors in the weighing of cotton and other products in the State of Alabama ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

For the relief of the estate of A. S. Hill, deceased, late of Barbour county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

For the relief of Mary J. Smith of Autauga county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Bromberg—

To confer civil jurisdiction upon the city court of Mobile ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Barr—

For the relief of Yung C. Hall, administrator of the estate of Charles Hall, deceased, late of Baldwin county ;

Which was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Miller—

For the relief of B. M. Cartledge of Butler county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

To prohibit the sale of spirituous liquors within three miles of Cowles' Station, Macon county ;

By Mr. Farden—

For the relief of Tamah K. Cantrell, administrator of the estate of John P. Cantrell, deceased, late of Marion county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and passed.

By Mr. Wise—

To discontinue the Freedman's Hospital at Talladega, and to provide ways and means for the removal of the patients of said hospital to the respective counties from which said patients were sent ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on public buildings and institutions.

By Mr. Pennington—

To establish and maintain a fish nursery in the State of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Pennington, Martin of Tuskaloosa, and Miller.

By Mr. Stow—

To make Mrs. Malissa A. Smith, wife of Harris J. Smith of Montgomery county, a free dealer ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Pennington, the bill was amended by extending its provisions to—

Mrs. Clara J. Barton, wife of A. A. Barton ;

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Stow—

For aid by the county of Montgomery to a company to be incorporated and known by the name of "The Montgomery Railroad Company ;"

Which bill was read twice forthwith, under suspension of the constitutional rule.

W. Worthy moved to amend as follows :

"Provided, that if said road is extended beyond the line of Montgomery county, its southern terminus shall be at Troy, Pike county ;"

Bill and amendment was referred to the committee on internal improvements.

By Mr. Coon—

To authorize the Selma and New Orleans railroad company Immigration Association to merge into any railroad company which it is now or may be hereafter connected ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to committee on internal improvements.

By Mr. Barr—

Memorial and joint resolution of the General Assembly of Alabama for a grant of public lands in aid of a canal ;

Which was read and adopted.

By Mr. Miller—

To authorize the superintendent of public instruction to sue defaulting county superintendents ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Steward—

Relating to the Selma, Marion & Memphis Railroad ;

Which bill was read twice forthwith, under suspension of the constitutional rule, one hundred and fifty copies ordered to be printed, and referred to the committee on internal improvements.

RESOLUTION.

Mr. Richards offered the following resolution, which was read:

Resolved, That one thousand copies of the report of the commissioner of industrial resources be printed for general distribution by the commissioner.

Amended to two thousand copies and adopted.

Report of a standing committee:

AGRICULTURE AND MANUFACTURES.

Mr. Lambert, from the committee on agriculture and manufactures, reported favorably to—

House bill—

To regulate the enclosure of stock in a portion of the county of Greene, therein described;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize Ann Eliza Millicert James, wife of Archer Bolling James of Madison county, to mortgage her statutory separate estate for the purpose of borrowing money;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize the Memphis & Charleston Railroad Company to issue additional bonds, to be known as "consolidated bonds," and to secure the same by mortgage upon the property of said road;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To enlarge the jurisdiction of justices of the peace in their respective beats or precincts, in Marengo county;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

SPECIAL ORDER.

On motion of Mr. Farden—
Senate bills—

Supplementary to the act to relieve and regulate the finances of the State ;

To provide for the disposal of the funds arising from the sale of the public lands donated by congress to Alabama for the benefit of agriculture and mechanic arts ;

Were postponed and made special order for 11 o'clock on Monday next.

SPECIAL ORDER.

At 12 o'clock, Mr. McAfee from select committee on House bill—

To establish revenue laws for the State of Alabama,

Reported progress, and was allowed until 12 o'clock on Monday next to submit the final report of the committee, for which hour it was made special order.

Message from the House :

HOUSE OF REPRESENTATIVES, }
February 10, 1872. }

Mr. President :

The House has passed Senate bills, as follows :

For the relief of E. M. Hughston of Butler county.

To prohibit the sale or other disposition of intoxicating liquors within three miles of Mount Zion Baptist church, Alexandria Methodist Episcopal church, and Alexandria Academy, near the town of Alexandria, county of Calhoun.

To exempt the judge of probate, register in chancery and attorneys of Elmore county, from the provisions of an act to prohibit attorneys in certain cases from practicing their professions in the probate and chancery courts, approved February 11, 1871.

To remove the administration of the estate of Oliver P. Bessenger, deceased, late of Coosa county, from the court of probate of Coosa county to the probate court of Pike county.

For the protection of holders of lottery tickets or certificates.

To authorize A. J. Henderson, administrator of the estate of Stephen D. Smilie, deceased, late of Pike county, to sell at public or private sale the lots belonging to said estate within the corporate limits of the city of Troy in said county.

To provide books and stationery for sheriffs.

Supplementary to the laws relating to life insurance companies not chartered by the State and doing business in it.

In relation to the duties of the clerk of the supreme court.

To establish an election precinct in the county of Bibb, to be known as Ashby.

And has amended, as therein shown, and passed Senate bills—

For the relief of Samuel N. Brown of Macon county.

For the relief of county officers of Macon county, and to provide funds for the prompt payment of the current expenses of the poor-house of said county.

The House has adopted Senate joint resolution—

To authorize the Governor to appoint commissioners to represent the State of Alabama in the Agricultural Convention to be held in the City of Washington, February 15, 1872.

And Senate joint memorials, as follows :

To the congress of the United States asking a grant of lands for the Warrior & Tennessee Rivers Railroad.

To congress, asking postal facilities on the river routes on the Tombigby and Alabama rivers.

The House has originated and passed bills as follows :

To enlarge the criminal jurisdiction of justices of the peace in their respective beats or precincts, in the county of Marengo.

To authorize Caroline N. Preston, administrator of B. S. Garrott, deceased, to sell the lands of said estate at private sale.

ELLIS PHELAN,
Clerk House Representatives.

SPECIAL ORDER.

At 12 o'clock, the special order set for that hour came up, it being the substitute of the judiciary committee for—

Senate bill—

Creating a lien for mechanics, laborers and others ;

Which was read.

Mr. Farden offered the following amendment :

Section 24 of said bill. Be it further enacted, That the provisions of this act, in its benefits to mechanics and builders, shall extend to marble cutters or builders of monuments or decorations in cemeteries and burial places for the dead ; and said marble cutters or builders as aforesaid, shall have the right and authority to take and remove such monuments

or decorations, upon failure by the person purchasing or ordering the construction of the same to pay the full price thereof.

Which amendment, on motion of Mr. Pennington, was laid on the table ;

Yeas 14, nays 6.

Those who voted in the affirmative, are—

Messrs. Buckley, Coon, Jones, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sibley, Steward, Wise and Whitney—14.

Those who voted in the negative, are—

Messrs. Bromberg, Farden, Mabry, Sanford, Stow and Worthy—6.

Mr. Pennington moved to amend, as follows :

“ Provided, that the first mortgage bonds of the State of Alabama on all the roads constructed or to be constructed under the State aid law, shall be in no wise affected or impaired by the provisions of this act.”

Mr. Worthy offered the following substitute for said amendment ;

Which was adopted :

“ Provided, that all liens created under and by virtue of this act, shall be subordinate to any lien which the State now holds or may hereafter have upon any railroad in this State.”

Mr. Sevier offered the following amendment as an additional section ;

Which was lost :

Be it further enacted, That no person or party, or company, who has done work on, or furnished material for any railroad for which the State has endorsed, shall be authorized by any part of this act, to tear up, take away, or remove from said road any material, of any kind whatever, after said material constitutes any part of such road.

Mr. Oliver moved to amend, so as to strike out all that relates to “railroads or works of internal improvements.”

Which amendment was laid on the table.

Bill was then read a third time forthwith, under suspension of the constitutional rule, and passed.

Yeas 19, nays 4.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Jones, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Pennington, Richards, Sanford, Sibley, Steward, Stow, Wise and Whitney—19.

Those who voted in the negative are :
 Messrs. McAfee, Oliver, Sevier and Worthy—4.
 Mr. Sibley moved to reconsider said vote.
 Which motion was laid on the table.

PROTEST.

Messrs. Worthy and Martin of Tuscaloosa, presented the following protest, relative to the proceedings of the Senate, in the matter of the address of the House for the removal of the Hon. John Elliott, judge of the 6th judicial circuit :

The undersigned, members of the Senate of Alabama, hereby respectfully protest against the action of the Senate in the proceedings had upon the address proposed in, and passed by the House of Representatives of the General Assembly, for the removal from office by the Governor of the State, of the Hon. John Elliott, judge of the sixth judicial circuit.

In this, our protest, we desire to express our disapprobation of the following proceedings in the premises :

1. We maintain that the Hon. John Elliott, judge as aforesaid, and his attorneys, were not entitled to a seat upon the floor of the Senate until such time as concurrence in the House address was proposed by the Senate; after the proceedings for such removal had been stated at length and entered upon the journal of the Senate, as provided for by the Constitution of Alabama.

2. For the reason that "the cause or causes for which said removal" was required, were not entered upon the journal of the Senate, although the demand therefor was made of the Senate and refused.

3. That the proceedings had by the Senate were strictly legislative in their character, and not judicial nor *quasi* judicial; and that it was unparliamentary to entertain exceptions to the address of the House, as proposed by the counsel for judge Elliott, and permitted by the Senate.

4. That the refusal by the Senate to spread the proceedings upon their journal, and to proceed in the usual way to hear the evidence furnished by the House, (sustaining and explaining their action in moving said address,) was a discourtesy to the House, and not justified by the nature of the subject presented for the consideration of the Senate, and is unusual in the history of legislative proceedings.

5. That the refusal by the Senate to raise a committee to take testimony, and to hear the evidence taken by the House

in reference to the proposed address, is, in our opinion, a virtual denial to the people of the sixth judicial circuit of the right to be heard in a matter which vitally concerned them. It is a virtual shielding of the accused from the investigation of a grave charge, thus forestalling the probability or possibility of conviction!

6. That it is the first instance, within our memory, of a decision being rendered upon a grave charge against an individual, before the hearing of evidence, or otherwise enabling the Senate to pass intelligently upon the matter submitted.

7. That the action of the Senate, in this matter, is, as we conceive, a virtual charge of partnership against the House of Representatives, for their action on the proposed address; and formally commits the Senate to a course only to be explained upon partisan grounds.

A. N. WORTHY,
J. M. MARTIN.

Senate Chamber, Feb. 10, 1872.

Senate then adjourned until 10½ o'clock Monday morning.

FIFTY-THIRD DAY.

MONDAY, February 12, 1872

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Sanford of the Senate.

ROLL CALL.

On call of the roll, the following Senators answered to their names:

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Jones, King, Lambert, McAfee, McIntosh, Mabry, Martin of Russell, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—25.

READING OF JOURNAL.

Journal of Saturday, was read and approved.

RECONSIDERATION.

On motion of Mr. Whitney, Senate reconsidered the vote on the passage of

Senate bill—

To prohibit the sale of spirituous liquors within three miles of Cowles' station, in Macon county.

Said bill was indefinitely postponed.

CALL OF THE DISTRICTS.

On call of the districts, the following bills and joint resolutions were introduced :

By Mr. Sevier—

To amend an act to incorporate the town of Cherokee;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sibley—

In relation to the extension of certain State bonds;

Which bill was read twice forthwith, under suspension of the constitutional rule, and passed.

By Mr. Lambert—

To repeal an act entitled an act to incorporate the town of Blountsville, approved February 7, 1870;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Lambert—

To authorize Sarah A. Tidwell to sell certain land;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

To authorize Asa Blakey of Barbour county to peddle in said county without State or county license or tax;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

To prohibit the sale of spirituous liquors within two miles of Sandy Ridge church, in Barbour county;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Pennington—

Resolution appropriating forty-nine and 50-100 dollars for the expenses of the select committee to visit the Freedmen's

Hospital and the Alabama Institution for the Deaf and Dumb and the Blind;

Which was read and adopted.

By Mr. Jones—

Resolution instructing the judiciary committee to report at 11 o'clock on to morrow on House bill—

To extend the criminal jurisdiction of the justices of the peace in their respective beats or precincts in Marengo county;

Which was read and adopted.

By Mr. Worthy—

Joint resolution as follows :

JOINT RESOLUTION.

Be it resolved by the General Assembly, (the House concurring,) That the public institution known as the Freedmen's Hospital, situated at Talladega, be, and the same is hereby discontinued from and after the current year for which appropriations for the support of the same has been made; and,

Be it further enacted, That it shall be the duty of the commissioners to discontinue the same, and send to each and every county the inmates thereof to the respective counties from whence they came, and report their acts and doings in the premises to the next General Assembly;

Which was read.

Report of a standing committee—

PUBLIC BUILDINGS AND INSTITUTIONS.

Mr. Worthy, from the committee on public buildings and institutions, reported back to the Senate—

Senate bill—

To discontinue the Freedman's Hospital at Talladega, and to provide ways and means for the removal of the patients of said hospital to the respective counties from which they were sent;

Which bill was offered as a substitute for Mr. Worthy's joint resolution;

Said substitute was adopted, and read a third time forthwith, under suspension of the constitutional rule, and passed.

Report of select committees—

Mr. Sandford, from the select committee, submitted the following report, which was adopted, and the committee discharged :

The committee appointed by the Senate to examine the Freedman's Hospital and the Alabama Institution for the Deaf and Dumb and the Blind at Talladega, have performed that duty, and find the Freedman's Hospital as well and neatly kept and as comfortably provided for as could reasonably be expected. The inmates on examination by your committee, said that they had plenty to eat and sufficient clothing for their person, and beds to make them comfortable. Your committee feel no hesitancy in indorsing the manner in which the steward has performed his duty, and recommend him as worthy of the position which he occupies.

We further find, (see report of Freedman's Hospital) that more than half of the inmates are from or belong to the county of Talladega, who ought to be turned over to the care of that county. And we do most unhesitatingly recommend the others to the favorable consideration of after legislation as objects of commiseration and charity.

Your committee would further report, that they visited under your resolution, the Alabama Institution for the Deaf and Dumb and the Blind, and ask to make the following report :

That they were more than pleased with the institution, and that it is not possible to be too loud in its praise, for it is worthy of all commendation, and all that it needs to recommend itself to every one is only to be seen. The promptness and accuracy with which the pupils both of the deaf and dumb and the blind answer questions is altogether pleasing and surprising.

The building is well ventilated and supplied with water, which is conveyed by pipes where ever it is needed. The building seems in every way well adapted to the purpose for which it is intended or used. The out buildings are in good condition. The house in rear of the main building used as a kitchen and other purposes is a wooden building, and ought in the opinion of your committee to be removed and its place supplied with a brick building for the security of the other property. The various departments seem to be properly arranged both for comfort and convenience. The office in the institution is one of the best and completest in the State ; complete both in general arrangement and in its details.

Your committee can not close this report, without saying that it is an institution of which the State may well be proud, nor can we yet close without giving a public expression of our high opinion of the indomitable energy and never tiring per-

severance of the highly worthy and accomplished principal of this institution, Dr. Joseph H. Johnson, as displayed in the desire to promote the best interests of those committed to his care. "He is the right man in the right place."

H. C. SANFORD,	}	Committee.
JOHN OLIVER,		
H. H. WISE,		

Report of a standing committee:

MUNICIPAL AND COUNTY ORGANIZATIONS.

Mr. Sanford, from the committee on municipal and county organizations, reported favorably to House bill—

To revive the charter of the town of Salem, Lee county;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported adversely to Senate bill—

To incorporate Sandy Ridge church, in Barbour county;

Which adverse report was concurred in.

SPECIAL ORDER.

At 11 o'clock, the first special order set for that hour came up, it being Senate bill—

Supplementary to an act entitled "An act to relieve and regulate the finances of the State."

Mr. McAfee moved to amend section 2 as follows:

Provided, that not more than one-tenth of one per cent. on said loan of a million dollars (in the sale or negotiation of said loan or bonds) to any agent or commissioner of the State, or under the authority of the State of Alabama.

Mr. Pennington moved to amend said amendment, so that no commissions shall be allowed.

On motion of Mr. Farden, the amendment and amendment to the amendment were laid on the table.

Mr. Whitney offered the following amendment, which was adopted:

Provided, that the proceeds of said bonds shall be certified into the treasury.

Bill was then ordered to a third reading.

SPECIAL ORDER.

At 11 o'clock, the second special order set for that hour came up, it being Senate bill—

To provide for the disposal of the funds arising from the sale of the public lands donated by congress to Alabama for the benefit of agriculture and the mechanic arts.

Mr. Pennington moved to lay the whole subject on the table ;

Which motion was lost—Yeas 10, nays 11.

Those who voted in the affirmative are—

Messrs. Barr, Jones, McAfee, Mabry, Pennington, Richards, Sevier, Stow, Whitney and Worthy—10.

Those who voted in the negative are—

Messrs. Coon, Farden, Foster, Glass, Lambert, Martin of Russell, Oliver, Royal, Sanford, Sibley and Wise—11.

Mr. Oliver moved to strike out "one-half," and insert in lieu thereof as follows :

"Their pro rata share according to population."

Senate refused to lay said amendment on the table—Yeas 8, nays 13.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Pennington, Richards, Royal, Sibley, Stow and Whitney—8.

Those who voted in the negative are—

Messrs. Farden, Foster, Jones, Lambert, McAfee, Mabry, Martin of Russell, Oliver, Sanford, Sevier, Steward, Wise and Worthy—13.

Mr. Barr moved to refer the bill to a select committee.

Mr. Whitney moved to refer to the committee on education.

SPECIAL ORDER.

At 12 o'clock, the special order set for that hour came up, it being

REPORT OF A SELECT COMMITTEE.

Mr. McAfee, from select committee, reported favorably, with amendments, to House bill—

To establish revenue laws for the State of Alabama ;

Which was made the special order for 12 o'clock on to-morrow.

BILL INTRODUCED.

Mr. Whitney, with leave, introduced a bill—

To protect the interests of the State of Alabama in the Alabama and Chattanooga Railroad ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and one hundred and fifty copies ordered to be printed.

Messages from the House:

HOUSE OF REPRESENTATIVES, }
February 12, 1872. }

Mr. President :

The House has originated and passed the bill—

To authorize the City Council of Montgomery in the State of Alabama to issue and sell bonds of said city to an amount not exceeding in the aggregate \$50,000, for the purpose of paying or adjusting certain bonds issued and delivered by said city to the Montgomery & Wetumpka Plank Road Company and South Plank Road Company, in the event of a recovery or adjustment of said last named bonds.

ELLIS PHELAN,
Clerk House Representatives.

HOUSE OF REPRESENTATIVES, }
February 12, 1872. }

Mr. President :

The House has passed Senate bill—

To confer civil jurisdiction upon the city court of Mobile.

ELLIS PHELAN,
Clerk House Representatives.

Mr. Farden moved to take up his resolution to rescind the rule of the Senate devoting Tuesday and Friday of each week to the consideration of House messages.

Senate then adjourned until 10¼ o'clock to-morrow morning.

FIFTY-FOURTH DAY.

TUESDAY, February 13, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Dr. Murrah of the House of Representatives.

ROLL CALL.

On the call of the roll the following senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Jones, King, Lambert, McAtee, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sibley, Steward, Stow, Wise, Whitney and Worthy—28.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

Reports of standing committees :

INTERNAL IMPROVEMENTS.

Mr. Coon, from the committee on internal improvements, reported favorably, with amendments, to

Senate bill—

Relating to aid by the county of Montgomery, to a company to be incorporated and known as "The Montgomery County Railroad Company ;"

Which amendment was adopted.

Mr. Coon moved moved to amend, so that the railroad be extended beyond the line of Montgomery county ; it shall go through Troy and Ozark, to the Florida line ;

Which was adopted.

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported favorably to

House bill—

For the relief of N. J. Scaggs, of Talladega county ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, to House bill—

To allow prosecutors in criminal cases to appoint counsel who shall be leading counsel in such cases ;

On motion of Mr. Mabry, the bill was amended, as follows :

"That no compensation shall be paid by the State or county, to such assistant solicitor."

On sundry motions, the following counties were exempted from the provision of this act :

“Jefferson, St. Clair, Walker, Lawrence, Franklin, Colbert, Lauderdale, Limestone, Coosa, Cherokee and Calhoun.”

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

At 11 o'clock, the special order set for that hour came up, it being,

Report of standing committee :

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported adversely, to

House bill—

To extend the criminal jurisdiction of the justices of the peace in their respective beats or precincts, in the county of Marengo ;

Messages from the House :

HOUSE OF REPRESENTATIVES, }
February 14, 1872. }

Mr. President :

The House has passed Senate bill—

To be entitled an act to amend the third and sixth sections of an act entitled “an act to incorporate the Pensacola and Mobile Railroad Company.”

The House has originated and passed bills as follows :

To authorize the sale of the swamp and overflowed lands to the Mobile and North-western Railroad Company, upon the terms therein prescribed ;

To repeal an act enacted by the Board of Education, entitled “an act to provide for the education of white teachers ;”

To repeal an act enacted by the Board of Education, establishing a Female Normal School for the education of white female teachers, approved December 20, 1871 ;

To repeal an act enacted by the Board of Education to provide for a Normal School University of Alabama ;

To change the line between Lee and Chambers counties,

so as to include the south-west quarter of section eight, township twenty, range twenty-five, in Lee county.

The House has also adopted a joint memorial to the Congress of the United States, asking additional grant of the public lands for the endowment of an Agricultural and Mechanical College in the State of Alabama.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES. }
February 14, 1872. }

Mr. President :

The House has originated and passed joint resolutions to the President of the United States, in behalf of the farming interests of Alabama.

ELLIS PHELAN,
Clerk.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To authorize the issuance of county bonds by the court of county commissioners of Elmore county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize the sale of the swamp and overflowed lands to the Mobile and Northwestern Railroad Company upon the terms therein prescribed;

Was read twice forthwith, under suspension of the constitutional rule.

Mr. Oliver moved to amend the bill by striking out "two cents," and inserting "ten cents."

Mr. Farden moved to lay said amendment on the table;

Which motion was lost—Yeas 10, nays 15.

Those who voted in the affirmative are:

Messrs. Barr, Bromberg, Farden, Glass, McIntosh, Martin of Russell, Miller, Pennington, Sibley and Whitney—10.

Those who voted in the negative are:

Messrs. Coon, Foster, Hinds, Jones, King, Lambert, McAfee, Mabry, Martin of Tuscaloosa, Oliver, Richards, Sevier, Steward and Worthy—15.

Bill and amendment were referred to a select committee, composed of Messrs. Martin of Tuscaloosa, Bromberg and

Oliver, with instructions to report at 11 o'clock to-morrow morning, for which hour it was made special order.

JOINT RESOLUTION.

Mr. Coon introduced a joint resolution ;

Which was read.

On motion of Mr. Farden, it was amended by striking out the word "fraudulent."

Thus amended, the joint resolution was adopted and ordered forthwith to the House.

SPECIAL ORDER.

At 12 o'clock the special order set for that hour came up, it being

REPORT OF SELECT COMMITTEE

on House bill—

To establish revenue laws for the State of Alabama.

Mr. Oliver moved to postpone the further consideration until 11 o'clock on to-morrow ;

Which motion was lost.—Yeas 9, nays 15.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Foster, Jones, King, Martin of Tuscaloosa, Oliver, Pennington and Whitney—9.

Those who voted in the negative are :

Messrs. Coon, Farden, Glass, Lambert, McAfee, Mabry, Martin of Russell, Miller, Richards, Sanford, Sevier, Sibley, Steward, Stow and Wise—15.

Mr. Pennington moved to lay the bill on the table ;

Which motion was lost.—Yeas 4, nays 20.

Those who voted in the affirmative are—

Messrs. Bromberg, Martin of Tuscaloosa, Oliver and Pennington—4.

Those who voted in the negative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, King, Lambert, McAfee, Mabry, Martin of Russell, Miller, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow and Wise—20.

On motion of Mr. Oliver,

Amendments of the committee were first read in full.

Said amendments were then adopted as a whole.

Senate then proceeded to consider the bill as amended by the committee, section by section.

Section 1 was read and adopted.

Section 2 was read.

On motion of Mr. Barr, the word "municipal" was stricken out and the word "educational" inserted.

Thus amended, section 2 was adopted.

Section 3 was read.

Mr. Martin of Tuscaloosa, moved to amend by striking out the word "personal" before the word "property" in paragraph 9 ;

Which amendment was lost.

Yeas 12, nays 14.

Those who voted in the affirmative are:

Messrs. Bromberg, Jones, Lambert, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Sanford, Wise, Whitney and Worthy—12.

Those who voted in the negative are:

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, King, McAfee, Mabry, Richards, Sevier, Sibley, Steward and Stow—14.

Mr. Oliver moved to reduce the exemption to "two hundred dollars ;"

Which amendment was laid on the table.

Mr. Mabry moved to reduce it to "three hundred dollars ;"

Which amendment was laid on the table.

Mr. Oliver moved to reduce it to "two hundred and fifty dollars ;"

Which amendment was laid on the table.

Mr. Martin of Tuscaloosa, moved to strike out paragraph 9 of section 4 ;

Which motion was laid on the table.

Yeas 21, nays 5.

Those who voted in the affirmative are:

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, Martin of Russell, Miller, Pennington, Richards, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—21.

Those who voted in the negative are:

Messrs. Bromberg, King, Mabry, Martin of Tuscaloosa, and Oliver—5.

Mr. Lambert moved to reconsider the vote by which the Senate adopted the amendment of the committee in paragraph 15, striking out one year and inserting five years.

Mr. Pennington moved to lay said motion on the table ;

Which motion was lost.

Yeas 12, nays 12.

Those who voted in the affirmative are :

Messrs. Bromberg, Coon, Foster, Galss, Jones, McAfee, Martin of Russell, Miller, Pennington, Wise, Whitney and Worthy—12.

Those who voted in the negative are :

Messrs. Farden, Hinds, King, Lambert, Mabry, Martin of Tuscaloosa, Oliver, Richards, Sanford, Sevier, Sibley and Stow—12.

Motion to reconsider was then lost.

Yeas 9, nays 12.

Those who voted in the affirmative are :

Messrs. Lambert, Mabry, Martin of Russell, Martin of Tuscaloosa, Oliver, Richards, Royal, Sanford and Sevier—9.

Those who voted in the negative are :

Messrs. Barr, Bromberg, Coon, Farden, Glass, Jones, McAfee, Miller, Pennington, Sibley, Steward and Whitney—12.

NOTICE OF RECONSIDERATION.

Mr. Oliver gave notice that he would move to reconsider the vote by which the amendments of the committee were adopted.

BILLS INTRODUCED.

By Mr. Bromberg—

To re-imburse the State for all sums paid out for interest upon the indorsed bonds of the Alabama and Chattanooga railroad company, and the expenses incurred in paying said interest and the cost of litigation incident thereto ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and 150 copies ordered to be printed.

By Mr. Barr—

Making an appropriation to pay for the distribution of the acts and journals of the present session of the General Assembly ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Pending consideration of the revenue bill—

Senate adjourned until 10½ o'clock to-morrow morning.

FIFTY-FIFTH DAY.

WEDNESDAY, February 14, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Lambert of the Senate.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, King, Lambert, McAfee, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—27.

READING OF JOURNAL.

Journal of yesterday was read and approved.

NOTICE OF RECONSIDERATION.

Mr. Foster gave notice that he would move to reconsider the vote concurring in the adverse report to House bill—

To extend the criminal jurisdiction of the justices of the peace in their respective beats or precincts in Marengo county.

CALL OF THE DISTRICTS.

On the call of the districts the following bills and joint resolutions were introduced:

By Mr. Oliver—

To protect the interest of the State in the Alabama and Chattanooga railroad;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Oliver, Coon, Sibley, Mabry and Sevier.

By Mr. Oliver—

Joint resolution proposing a joint committee to locate the seat of government at Birmingham ;

Which was read.

Mr. Coon moved to insert Selma ;

Joint resolution was referred to the committee on public buildings and institutions.

By Mr. Martin of Tuscaloosa—

For the relief of Sam F. Beall, late tax collector of Tuscaloosa county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

To amend section 4342 of the Revised Code of Alabama ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Royal—

To prescribe the manner in which persons convicted of misdemeanors shall be punished ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Stow—

For the relief of Presley W. Donaldson of Montgomery county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Royal—

To prohibit the sale of vinous or spirituous liquors within two and a half miles of Hopewell church, in Bullock county ;

Was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Oliver, the provisions of the bill were extended "to within one mile of Manack church, in Lowndes county."

On motion of Mr. Farden, the provisions were extended to Manning Spring church and Lodge No. 204, Montgomery county ;

Thus amended, the bill was read third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

To require the indorsement of the State of the first mortgage bonds of the Eufaula, Abbeville and Gulf railroad company ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on

internal improvement, with instruction to report at 11 o'clock to-morrow morning.

By Mr. Farden—

To repeal an act for the relief of Tallassee Manufacturing Company No. 1 ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Pennington, the bill was laid on table.

Yeas 16, nays 10.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Glass, Hinds, King, McAfee, Martin of Russell, Oliver, Pennington, Sanford, Steward, Whitney and Worthy—16.

Those who voted in the negative are :

Messrs. Foster, Jones, Lambert, Mabry, Martin of Tuscaloosa, Miller, Richards, Sevier, Sibley and Stow—10.

By Mr. Farden—

To continue for the present year at agricultural pursuits the State convicts of the penitentiary ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the joint select committee on the penitentiary.

By Mr. Farden—

Joint resolution as follows:

RESOLUTION.

Whereas, there are now upon the desk of this Senate, several bills, some of which have been passed by the House of Representatives ; and others which have originated in the Senate, and many others which are in the hands of the various committees of the Senate ; and many of which are of the most vital importance to the people of Alabama ; and whereas, by a joint resolution, the General Assembly will stand adjourned *sine die* on Thursday, February 15th, unless this session is farther extended ; therefore,

Be it resolved, That a committee of three on the part of the Senate, be appointed by the President, who shall act with a like committee of the House, to take into consideration the question as to whether the interests of the State do, or not, require an extension of the present session.

Which was read.

Mr. Worthy offered a substitute,

Which was adopted.

Mr. King moved to lay the joint resolution and substitute on the table;

Which motion was lost;

Yeas 10, nays 17.

Those who voted in the affirmative, are—

Messrs. Buckley, Coon, King, McAfee, McIntosh, Martin of Russell, Martin of Tuscaloosa, Miller, Pennington and Whitney—10.

Those who voted in the negative, are—

Messrs. Barr, Bromberg, Farden, Foster, Glass, Hinds, Jones, Lambert, Mabry, Oliver, Richards, Sanford, Sevier, Sibley, Steward, Stow and Worthy—17.

Substitute was then adopted;

Yeas 15, nays 12.

Those who voted in the affirmative, are—

Messrs. Barr, Buckley, Farden, Foster, Glass, McAfee, Mabry, Martin of Russell, Martin of Tuscaloosa, Oliver, Richards, Sanford, Steward, Whitney and Worthy—15.

Those who voted in the negative, are—

Messrs. Bromberg, Coon, Hinds, Jones, King, Lambert, McIntosh, Miller, Pennington, Sevier, Sibley and Stow—12.

Joint resolution thus amended, was adopted.

Yeas 15, nays 12.

Those who voted in the affirmative, are—

Messrs. Barr, Buckley, Farden, Foster, Glass, McAfee, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Richards, Sanford, Steward, Whitney and Worthy—15.

Those who voted in the negative, are—

Messrs. Bromberg, Coon, Hinds, Jones, King, Lambert, Miller, Oliver, Pennington, Sevier, Sibley and Stow—12.

Ordered forthwith to the House.

By Mr. Farden—

To prevent illegal voting;

Which bill was read twice forthwith, under suspension of the constitutional rule.

Mr. Worthy offered the election bill of the House as a substitute.

Senate refused to refer the bill.

Bill was then laid on the table;

Yeas 14, nays 13.

Those who voted in the affirmative, are—

Messrs. Bromberg, Buckley, Coon, Glass, Hinds, Jones, McAfee, Martin of Tuscaloosa, Miller, Pennington, Sanford, Sibley, Whitney and Worthy—14.

Those who voted in the negative, are—

Messrs. Barr, Farden, King, Lambert, McIntosh, Mabry, Martin of Russell, Oliver, Richards, Royal, Sevier, Steward, and Stow—13.

By Mr. Stow—

To prevent the wanton destruction of game in the State of Alabama ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on poor laws and charitable institutions.

House bill—

To provide an additional term of the chancery court for the districts composed of the counties of Henry, Dale, and Barbour in the eastern chancery division of Alabama ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

REPORT OF SELECT COMMITTEE.

Mr. Pennington, from select committee, reported a substitute for

Senate bill—

To establish and maintain a fish nursery in the State of Alabama ;

Which substitute was adopted.

Mr. Sevier offered the following amendment ;

Which was adopted :

“ Provided, That the persons who receive said money shall give good and ample security to the Governor in double the amount received, for the correct and faithful application ; and make annual reports to the governor ; and that all profits of said fish nursery shall accrue to the State.”

Bill was then read a third time forthwith, under suspension of the constitutional rule, and passed ;

Yeas 19, nays 6.

Those who voted in the affirmative, are—

Messrs. Barr, Bromberg, Coon, Farden, Glass, Hinds, Jones, McIntosh, Martin of Russell, Martin of Tuscaloosa, Miller, Pennington, Richards, Royal, Steward, Stow, Whitney and Worthy—19.

Those who voted in the negative, are—

Messrs. Lambert, McAfee, Mabry, Oliver, Sanford and Sevier—6.

NOTICE FOR RECONSIDERATION.

Mr. Mabry gave notice that he would move to reconsider the vote by which the Senate passed,

Senate bill—

To prescribe the manner in which persons convicted of misdemeanors shall be punished.

Message from the Governor :

I am directed by His Excellency the Governor to inform you that he has approved the following acts originating in the Senate, viz :

To refund to Barbour county, certain amounts of money erroneously allowed from the county tax.

For the relief of Martha N. Lane, of Madison county.

To confer civil jurisdiction upon the city court of Mobile.

Joint resolution, to authorize the Governor to appoint commissioners to represent the State of Alabama in the agricultural convention to be held in the city of Washington on the 15th February, 1872.

To provide books and stationery for sheriffs.

To prohibit the sale or other disposition of intoxicating liquors within three miles of Mount Zion church, Alexandria Methodist church, and Alexandria academy, near the town of Alexandria, county of Calhoun.

In relation to the duties of the clerk of the supreme court.

To exempt the probate judge, register in chancery, and attorney's of Elmore county, from the provisions of an act entitled, an act "to prohibit attorneys in certain cases from practising their profession in probate and chancery courts," approved February 11th, 1872.

To remove the administration of the estate of Oliver P. Bessenger, deceased, late of Coosa county, from the court of probate of Coosa county to the probate court of Pike county.

To authorize A. J. Henderson, administrator of the estate of Stephen D. Smilie, deceased, late of Pike county, to sell at public or private sale, the city lots belonging to said estate, within the corporate limits of the city of Troy, in said county.

To establish an election precinct in the county of Bibb, to be known as Ashlby.

For the relief of Ella Hughston, of Butler county.

Joint memorial to Congress, asking postal facilities on the Tombigby and Alabama rivers.

Joint memorial to the Congress of the United States, asking a grant of lands to the Warrior and Tennessee Rivers Railroad.

Respectfully,

W. V. CHARDAVOYNE.

February 14, 1872.

Messages from the House:

HOUSE OF REPRESENTATIVES, }
February 14, 1872. }

Mr. President:

The House has originated and passed bills, as follows:

To incorporate the town of Calera in Shelby county.

To amend an act to incorporate the town of Columbiana, in the county of Shelby, approved February 6, 1858.

The House has passed Senate bills as follows—

In relation to the State Bonds of Alabama.

Supplemental to an act incorporating the town of Oxford, in Calhoun county.

ELLIS PHELAN,
Clerk.

HOUSE OF REPRESENTATIVES, }
February 14, 1872. }

Mr. President:

The House has concurred in Senate amendment to House bill—

To allow prosecutors in criminal cases to have counsel who shall be leading counsel in such cases.

The House has originated and passed bill:

To regulate elections in the State of Alabama;

And ordered the same to the Senate without being engrossed.

ELLIS PHELAN,
Clerk House of Representatives.

Senate then adjourned until 10½ o'clock to-morrow morning.

FIFTY-SIXTH DAY.

THURSDAY, February 14, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Richards of the Senate.

ROLL CALL.

On the call of the roll the following senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, King, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthy—29.

READING OF JOURNAL.

Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Jones.

NOTICES OF RECONSIDERATION.

Mr. Bromberg gave notice that he would move to reconsider the vote by which the Senate laid on the table

Senate bill—

To punish illegal voting.

Mr. Farden gave notice that he would move to reconsider the vote by which the Senate laid on the table—

Senate bill—

To repeal an act entitled an act for the relief of Tallassee Manufacturing Company No. 1.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Coon—

To authorize Moody H. May, administrator *de bonis non*

of the estate of Robert Carlisle, deceased, to sell certain lands belonging to said estate in Baker county ;

Which was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

For the relief of the teachers of Coffee county, during the period from 1st of January to July 1st, 1868 ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

For the relief of the Alabama Central railroad ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Steward—

To establish an agricultural and mechanical college at Florence, Lauderdale county ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the joint select committee on the agricultural college.

RESOLUTIONS.

Mr. Coon offered the following resolutions, which were adopted :

Yeas 16, nays 6.

Resolved by the Senate, The sum of thirty dollars, be, and the same is hereby allowed to G. T. McAfee, chairman of the special committee having had under consideration, engrossed, a bill to be entitled an act to establish revenue laws for the State of Alabama, for the services of a clerk for five days.

Resolved further, That the auditor of the State draw his warrant on the State treasurer in favor of G. T. McAfee, chairman of said committee, to be paid out of any moneys in the treasury not otherwise appropriated.

Those who voted in the affirmative are :

Messrs. Bromberg, Buckley, Coon, Foster, Glass, Hinds, Jones, McIntosh, Martin of Russell, Martin of Tuscaloosa, Miller, Richards and Sibley—13.

Those who voted in the negative are :

Messrs. Lambert, Mabry, Mahan, Oliver, Sanford, and Worthy—6.

RECONSIDERATION.

On motion of Mr. Foster, the Senate reconsidered the vote

concurring in the adverse report of the judiciary committee to House bill—

To extend the criminal jurisdiction of the justices of the peace in their respective beats or precincts, in the county of Marengo ;

Said bill was then read a third time forthwith, under suspension of the constitutional rule, and passed.

EXTRA CLERKS.

On motion of Mr. Sibley, the secretary of the Senate was authorized to employ additional clerical assistance in enrolling the bills of the Senate.

RESOLUTIONS.

Mr. King offered the following resolution, which was adopted :

Resolved, That the secretary of the Senate, be, and he is hereby authorized to certify the account of Walter D. Carter, for five days extra work done by himself and the two hall tenders during recess, in cleaning up and putting in order the Senate chamber.

Mr. Whitney offered the following resolution, which was adopted :

Be it resolved by the Senate, That the auditor of State is hereby required to draw his warrant on the State treasurer in favor of Charles O. Whitney, chairman, for the sum of seven hundred and forty-five dollars, to pay the expenses incurred by the committee of the Senate appointed to investigate the condition and management of the Alabama and Chattanooga railroad.

House bill—

To incorporate the town of Prattville, Autauga county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To facilitate the construction of the Mobile and Alabama port ship canal ;

Which bill was read three times forthwith, under suspension of the constitutional rule and passed.

House joint memorial—

In relation to a ship communication between the waters of

the Gulf of Mexico and the Atlantic ocean through the Florida peninsula ;

Which was read and adopted.

REPORT OF A SELECT COMMITTEE.

Mr. Oliver, from select committee, reported favorably to Senate bill—

To protect the State in its liability on account of railroads; Was read three times forthwith, under suspension of the constitutional rule, and passed.

Report of a standing committee—

INTERNAL IMPROVEMENTS.

Mr. Coon, from the committee on internal Improvements, reported favorably with amendments, to Senate bill—

To amend an act entitled an act to amend section 11 of an act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State ;

Which amendments were severally adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably, with amendments, to

Senate bill—

To amend the first and second sections of an act entitled an act to incorporate the South and North Alabama railroad company ;

Which amendments were severally adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

CONCURRENCE.

On motion of Mr. Lambert, the Senate concurred in the amendment of the House to

Senate bill—

To prohibit the sale or other disposition to another person of intoxicating liquors within three miles of the Socapatoy chapel or church house of the Methodist Episcopal church south, at Socapatoy, Coosa county.

Senate also concurred in the amendments of the House to Senate bills—

To authorize Lydia J. Ausborne to sell certain lands therein described.

For the relief of Samuel N. Brown of Macon county.

For the relief of B. M. Cartledge of Butler county.

For the relief of the county officers of Macon county, and to provide for the prompt payment of the current expenses of the poor house of said county.

To amend the charter of the Pensacola and Mobile railroad company.

RECEDED.

On motion of Mr. Lambert, the Senate receded from its amendments to House bill—

To authorize Williamson Spears, of Coosa county, to peddle without license or tax.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
February 15, 1872. }

Mr. President :

The House has passed Senate bills as follows :

To authorize Friendly Grubbs, of Barbour county, and Samuel N. Brown, of Macon county, to peddle and auction without a license or tax.

To appropriate six hundred dollars for the purpose of distributing the acts of the present session of the General Assembly and the journals of the Senate and House of Representatives.

For the relief of Tamah H. Cantrell, administratrix of John P. Cantrell, deceased.

For the relief of Young C. Hall, administrator of the estate of Charles Hall, deceased, in the county of Baldwin.

For the relief of the estate of A. S. Hill, late of Barbour county.

To authorize the corporate authorities of Tuscumbia to contribute to the erection of a female academy.

For the relief of Sam. F. Beall, late tax collector of Tuscaloosa county.

To incorporate the Clayton Hook and Ladder Company No. 1, of Clayton, Alabama, and Hook and Ladder Company of Troy, Pike county, Alabama.

And has amended, as therein shown, and passed, Senate bill—

For the relief of B. M. Cartledge, of Butler county.

And has adopted Senate

Memorial and joint resolution of the General Assembly of Alabama to the Congress of the United States.

The House has originated and passed bills as follows :

To authorize the Governor to issue a patent conveying section 16, township 16, range 7, west, to Wm. H. Snow, upon certain conditions therein expressed.

To amend sections four, six, nine, twelve, and twenty-eight of an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending the said charter, approved March , 1870 ;

And has ordered the last named bill to be sent to the Senate without engrossment.

ELLIS PHELAN,
Clerk House Representatives.

HOUSE OF REPRESENTATIVES, }
February 15, 1872. }

Mr. President :

The House has passed the Senate bill—

Making appropriations for the fiscal year ending 30th September, 1872.

ELLIS PHELAN,
Clerk.

HOUSE OF REPRESENTATIVES, }
February 15, 1872. }

Mr. President :

The House has amended the resolution of the Senate prolonging the session of this General Assembly until the 1st of March, by striking out March 1st and inserting 26th February, and as amended concurs in the same.

ELLIS PHELAN,
Clerk of House.

Report of a standing committee :

INTERNAL IMPROVEMENTS.

Mr. Coon, from the committee on internal improvements, reported favorably with amendments, to Senate bill—

In relation to the Selma, Marion and Memphis Railroad Company;

Which amendments were severally adopted.

Mr. Oliver moved to strike out all in the bill exempting the company from taxation;

Which motion was lost.

Yeas 12, nays 14.

Those who voted in the affirmative, are—

Messrs. Buckley, Coon, Lambert, King, McAfee, Mabry, Mahan, Oliver, Royal, Sanford, Sevier and Stow—12.

Those who voted in the negative, are—

Messrs. Barr, Bromberg, Farden, Foster, Glass, Hinds, Jones, McIntosh, Martin of Russell, Martin of Tuscaloosa, Miller, Richards, Sibley and Steward—14.

Mr. Steward offered the following amendment;

Which was adopted:

Amend by adding at the end of section one,

“Provided, That such undoubted security be given for the re-payment to the State of said bonds for \$450,000, as the Governor of said State may require.”

Mr. McAfee offered the following amendment;

Which was laid on the table:

Yeas 15, nays 8.

Amend by requiring the State to take a first mortgage on the entire road bed and appurtenances, all rolling stock, depots, sheds, &c.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Foster, Glass, Hinds, McIntosh, Martin of Russell, Martin of Tuscaloosa, Miller, Richards, Steward, Whitney and Worthy—15.

Those who voted in the negative are—

Messrs. Lambert, McAfee, Mahan, Oliver, Royal, Sanford, Sevier and Stow—8.

Bill was then read a third time forthwith, under suspension of the constitutional rule, and lost, not two-thirds voting in favor of the passage;

Yeas 17, nays 11.

Those who voted in the affirmative, are—

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Jones, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Richards, Sanford, Sibley, Stow, Whitney and Worthy—17.

Those who voted in the negative, are—

Messrs. Bromberg, Buckley, King, Lambert, McAfee, Mahan, Miller, Oliver, Royal, Sevier and Stow—11.

Said vote was reconsidered as well as the vote^s suspending the constitutional rule, in order to give the bill a third reading forthwith.

APPEAL.

Mr. Martin of Tuscaloosa, in the chair, decided that the report of the select committee, on

House bill—

To authorize the sale of the swamp and overflowed lands of the State, to the Mobile and North-western Railroad Company, upon the terms therein expressed, was in order, since it was specified order for 11 o'clock on yesterday, and was in order at the same hour to-day, as it was only suspended for the completion of the call of the districts.

Mr. Worthy appealed from said decision, contending that as the report was suspended on yesterday at 11 o'clock, and not resumed on that day, had lost its place.

And the question being, "shall the decision of the chair be sustained?" the chair was sustained;

Yeas 19, nays 5.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, McAfee, McIntosh, Mahan, Martin of Russell, Miller, Richards, Royal, Sevier, Sibley, Steward, Stow and Whitney—19.

Those who voted in the negative are :

Messrs. Buckley, Lambert, Mabry, Oliver and Worthy.—5.

REPORT OF SELECT COMMITTEE.

Mr. Martin of Tuscaloosa, from the select committee, then reported favorably, to

House bill—

To authorize the sale of the swamp and overflowed lands of the State, to the Mobile and North-western Railroad Company, upon the the terms therein expressed.

Mr. Worthy moved to amend, as follows :

"Provided, That this sale and transfer of said swamp lands shall be null and void unless the Congress of the United States shall authorize, ratify and confirm the sale herein provided for, by the passage of a confirmatory act."

Mr. Martin of Tuscaloosa, moved to lay said amendment on the table;

Which motion was lost.

Pending consideration of which amendment—

CONCURRENCE.

Senate concurred in the amendment of the House, to the Senate joint resolution prolonging the present session of the General Assembly;

Yeas 20, nays 7.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Richards, Royal, Sanford, Steward, Stow, Whitney and Worthy—20.

Those who voted in the negative are—

Messrs. Hinds, Jones, Lambert, McAfee, Miller, Sevier and Sibley—7.

Secretary of the the Senate was ordered to notify the House forthwith of said concurrence.

Senate then adjourned until 10¹/₂ o'clock to-morrow morning.

FIFTY-SEVENTH DAY.

FRIDAY, February 16, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Sanford of the Senate.

ROLL CALL.

On call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Glass, Hinds, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Whitney and Worthy—25.

READING OF JOURNAL.

Journal of yesterday was read, corrected and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. King.

CONSIDERATION OF HOUSE MESSAGES.

House bills :

To fix the time for the trial of criminal cases in the circuit court of Barbour county.

To authorize John C. Morrow, probate judge of Jefferson county, to take jurisdiction of the estate of Richard B. Walker, deceased, late of said county of Jefferson.

To repeal an act enacted by the Board of Education, establishing a female Normal School for the education of white female teachers, approved December 20, 1871.

To define the corporate limits of the town of Livingston, in Sumter county.

To repeal an act enacted by the board of education to provide for the education of white teachers.

Were severally read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To change the line between the counties of Crenshaw and Pike;

Was read twice forthwith, under suspension of the constitutional rule, and laid on the table for the present.

House bill—

To incorporate the town of Gilmer, in Lawrence county;

Was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Sevier, Mabry and Mahan.

House bill—

Requiring the sureties on the official bonds of the county officers of Elmore county to reside in said county;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on fees and salaries.

House joint memorial—

To the congress of the United States, asking an additional

grant of public lands to the State of Alabama for an agricultural and mechanical college;

Was read and adopted.

House bills—

To amend an act to establish a charter for the town of Elyton, in Jefferson county.

To amend sections four, six, nine, twelve, and twenty-eight, of an act to amend the charter of the city of Montgomery;

Were severally read twice forthwith, under suspension of the constitutional rule, and referred to committee on municipal and county organizations.

House bill—

To repeal an act enacted by the board of education to provide for a normal school at the university of Alabama;

Was read twice forthwith, under suspension of the constitutional rule.

Mr. Martin of Tuscaloosa moved to indefinitely postpone the bill;

Which motion was lost.

Bill was then referred to a select committee composed of Messrs. Miller, Mabry and Lambert.

House bill—

To establish additional revenue laws for the State of Alabama, applicable alone to Dallas county;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

House bill—

To amend subdivision 16 of section 3 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868;

Was read twice forthwith, under suspension of the constitutional rule.

Mr. Oliver moved to indefinitely postpone the bill.

On motion of Mr. Whitney, the bill was laid on the table;

Yeas 15, nays 3.

Those who voted in the affirmative are:

Messrs. Barr, Buckley, Coon, Farden, Glass, Lambert, McAfee, Mabry, Mahan, Martin of Tuscaloosa, Oliver, Richards, Royal, Sevier and Whitney—15.

Those who voted in the negative are:

Messrs. Bromberg, Miller, and Steward—3.

REPORT OF A SELECT COMMITTEE.

Mr. Sevier, from select committee, reported favorably to House bill—

To incorporate the town of Gilmer, in Lawrence county ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Report of standing committee :

FEES AND SALARIES.

Mr. Sevier, from the committee on fees and salaries, reported favorably to

House bill—

Requiring the sureties on the official bonds of the county officers of Elmore county to reside in said county ;

Which bill, on motion of Mr. Farden, was laid on the table.

Message from the House :

HOUSE OF REPRESENTATIVES, }
February 16, 1872. }

Mr. President :

The House has passed Senate bill—

To amend an act to amend section 11 of an act to furnish the aid of the State of Alabama for the purpose of expediting the construction of railroads within the State.

The House has originated and passed a bill—

To amend section 1 of an act to authorize the Georgia Western railroad company to extend and construct their road from the Georgia line to the town of Gadsden, on the Coosa river, approved December 31, 1868.

ELLIS PHELAN,
Clerk House of Representatives.

EXPRESS BILL.

Senate proceeded to consider the substitute and amendments reported by the judiciary committee for House bill—

To enforce the collection of taxes from express companies.

Mr. Barr moved to lay the substitute on the table ;

Which motion was lost.

Yeas 5, nays 13.

Those who voted in the affirmative are :

Messrs. Barr, Coon, Mahan and Richards—5.

Those who voted in the negative are :

Messrs. Bromberg, Buckley, Lambert, McAfee, Mabry, Martin of Tuscaloosa, Miller, Oliver, Royal, Sanford, Sevier, Sibley, Whitney and Worthy—13.

Said substitute was adopted.

The first and second amendments of the committee were adopted.

The third amendment of the committee was lost.

Mr. Farden offered the following amendment :

“Strike out, in section one, three thousand seven hundred and fifty dollars, and insert fifteen thousand dollars.”

APPEAL.

Mr. Sevier in the chair, decided the amendment to be “absurd” and out of order.

Mr. Farden appealed from that decision.

After the call for the yeas and nays on the appeal had commenced, Mr. Sevier proposed to withdraw or change his ruling and admit the amendment.

Mr. Coon then appealed from the chair, claiming that the chair had no right to change its ruling after an appeal had been taken and the vote on the appeal was being taken.

And the question being, “Shall the decision of the chair be sustained?” the chair was sustained.

Yeas 15, nays 5.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Glass, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin of Tuscaloosa, Miller, Royal, Sanford, Steward, Whitney and Worthy—15.

Those who voted in the negative are :

Messrs. Coon, Farden, Oliver, Richards and Sibley—5.

On motion of Mr. Whitney said amendment was laid on the table.

Mr. Farden moved to amend by striking out “\$3,750” and insert “\$12,000.”

Pending consideration of which—

Senate adjourned until 10½ o'clock to-morrow morning.

FIFTY-EIGHTH DAY.

SATURDAY, February 17, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Sanford, of the Senate.

ROLL CALL.

On the call of the roll the following senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Glass, Lambert, McAtee, McIntosh, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Whitney and Worthy—21.

READING OF THE JOURNAL.

Journal of yesterday was read, corrected and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills and joint resolutions were introduced :

By Mr. Whitney—

To authorize the court of county commissioners of DeKalb county to levy a county tax for the purpose of paying off the debt of said county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Royal—

To incorporate the Union Springs fire engine company No. 2, of the town of Union Springs, Alabama ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Stow—

To authorize Samuel H. Hardwick of Montgomery county to sign certain conveyances ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Stow—

To authorize and require the commissioners court of Mont-

gomery county to establish a public pound in township 14, range 20, and south half of township 15, range 20, in Montgomery county;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Coon—

To prohibit the sale of spirituous, vinous or malt liquors within two miles of Orrville, Dallas county;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on grievances and disabilities.

By Mr. Bromberg—

To enable stockholders of private corporations to dissolve their charters;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. McAfee, Martin of Tuscaloosa and Sanford.

By Mr. Barr—

Joint resolution to pay J. B. Johns for work done in the Senate chamber and the hall of the House of Representatives;

Which was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

To compel purchasers of guano or other fertilizers to pay for the same agreeably to contract;

Which bill was read twice forthwith, under suspension of the constitutional rule.

Mr. Sanford moved to exempt the counties of Cherokee and Calhoun from the provisions of the bill.

Mr. Lambert moved to exempt the counties of Coosa and Tallapoosa.

Bill and amendments were referred to a select committee composed of Messrs. Mahan, Oliver and Sanford.

MADE SPECIAL ORDERS.

On motion of Mr. Bromberg, House bill—

To authorize the sale of the swamp and overflowed lands of the State to the Mobile and North-western railroad company, upon the terms therein prescribed,

Was made special order for 11 o'clock on Monday next.

On motion of Mr. Worthy, the "Express" bill was made special order for 10½ o'clock on Monday next.

On motion of Mr. Farden, Senate bill—

To provide for the disposal of the funds arising from the

sale of the public lands donated by congress to Alabama for the benefit of agriculture and the mechanic arts,

Was made special order for one o'clock p. m., on Monday next.

On motion of Mr. Steward, the Senate resumed consideration of Senate bill—

For the relief of the Selma, Marion and Memphis railroad company.

Mr. Steward's amendment, previously adopted, was stricken out.

Mr. Coon offered the following amendment :

Provided, that prior to the delivering of said bonds (\$450,000,) said company shall deposit with the treasurer of the State such an amount of the first mortgage bonds of said company as shall, in the judgment of the governor, be necessary to secure the State against all loss on account of principal or interest on said bonds.

On motion of Mr. Worthy, said amendment was amended by adding :

Provided further, that said first mortgage bonds shall be the only first mortgage bonds throughout the entire line of said road in Alabama, Mississippi and Tennessee.

Thus amended, the amendment was adopted.

Bill was then read a third time, under suspension of the constitutional rule, and passed—Yeas 17, nays 2.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Glass, Lambert, McIntosh, Mahan, Martin of Russell, Martin of Tuscaloosa, Richards, Sanford, Sevier, Sibley, Steward, Stow and Whitney—17.

Those who voted in the negative are—

Messrs. McAfee and Oliver.

PROTEST.

Mr. McAfee presented the following protest :

HOUSE OF REPRESENTATIVES,
Senate Chamber,
Montgomery, February 17, 1872. }

PROTEST OF G. T. MCAFEE

To "a bill to be entitled an act for the relief of the Selma, Marion and Memphis Railroad Company," for reasons and causes assigned as follows. to-wit :

1. To section 1. \$450,000 bonds ought not to be issued

for, and to the relief of said road, (1) because of the embarrassed condition of the State's financial condition; (2) because, in effect, the provisions of this bill are to withdraw the bonds, \$400,000, heretofore issued, the proceeds of the same worked into the road, and which are secured to the State by a *first mortgage*, and then for the State to issue said \$450,000 straight bonds without being secured in their payment to the State to the extent of a single cent, the payment of which is not secured at all.

2. I object most earnestly, to the entire section two (2) of this bill, and to each and every word thereof.

3. I am opposed to every letter, word, syllable, sentence and phrase, contained in the last paragraph of about seven lines of section 2 of said act as *impolitic*, as being in total *disregard* of the *interests* of the *State*, and as against the public policy of the State and unconstitutional. Without "*undoubted security*" the *State* can not give its credit to incorporations.—See Constitution of Alabama, § 33, Art. 4.

4. Within three years passed the railroad applied for and obtained State aid, and now the same road comes and asks for relief; that is, to return \$320,000 of the bonds endorsed by the State and granted to said road, and asks the State to issue and grant said road the straight bonds without security, and that said State deliver up and cancel its security in the first mortgage which the State has and holds on said road; in other words, the State is now modestly asked to give said road \$450,000 of its straight bonds.

5. The sinking fund proposed to be made by said road, is a mere promise without security for its performance, and may or may not be performed, and therefore amounts to nothing.

Respectfully submitted,

G. T. McAFEE.

Messages from the House:

HOUSE OF REPRESENTATIVES, }
February 17, 1872. }

Mr. President:

The House has passed Senate bills, as follows:

To repeal an act entitled an act to incorporate the town of Blountsville, in Blount county, approved February 7, 1870.

To authorize A. Susan Tidwell of Blount county to sell certain lands.

To authorize Asa Blakey of Barbour county to peddle in said county without license.

The House has originated and passed bills as follows :

To fix the distance for which mileage shall be allowed for Geneva county.

For the relief of Lavinia Miller of Coffee county.

Relating to the election of the officers of the city of Mobile.

The House refuses to concur in the Senate amendment to the House bill—

To prohibit the sale of liquors within two miles of Town Creek church, Dallas county.

ELLIS PHELAN,
Clerk House Representatives.

HOUSE OF REPRESENTATIVES, }
February 17, 1872. }

Mr. President :

The House has originated and passed a bill :

To establish a college at Auburn in Lee county, for the benefit of agriculture and the mechanic arts, pursuant to an act of the Congress of the United States, approved July 2d, 1862.

ELLIS PHELAN,
Clerk House Representatives.

Message from the Governor :

Mr. President :

I am directed by his excellency the governor to inform you that he has approved the following acts originating in the Senate, viz :

To make appropriations for the fiscal year ending September 30th, 1872.

For the relief of Tamah H. Cantrell, administrator of John P. Cantrell, deceased.

To authorize the corporate authorities of Tuscumbia to contribute to the erection of a female academy.

To amend an act entitled "an act to amend section eleven (11) of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State."

Respectfully,

W. V. CHARDAYOYNE,
Secretary.

RESOLUTION.

Mr. Sevier offered to following resolution, which under the rule, lies over one day :

Resolved by the Senate, That after the adoption of this resolution, no member shall speak more than ten minutes on the present bill under discussion, or the "express" bill as it is called, nor more than five minutes on any proposed amendment or substitute to said bill.

EXPRESS BILL.

On motion of Mr. Bromberg, the Senate resumed consideration of the "express" bill, the question recurring on Mr. Farden's amendment to strike out "\$3,750" and insert "\$12,000."

APPEAL.

Mr. Richards appealed from the decision of the chair, which decided that the substitute under consideration for the House bill was legitimate and proper as a substitute for the House bill.

Mr. Richards contended that the Senate substitute being a bill relating exclusively to the Southern Express Company, was not a proper substitute for the House bill, which provided for the inforcement of taxes from express companies.

And the question being, shall the decision of the chair be sustained? the chair was sustained.

Yeas 14, nays 4.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, McAfee, McIntosh, Mahan, Martin of Russell, Martin of Tuscaloosa, Oliver, Sanford, Sevier, Sibley, Steward, Whitney and Worthy—14.

Those who voted in the negative are :

Messrs. Coon, Farden, Richards and Stow—4.

Mr. Farden's amendment was laid on the table.

Mr. Farden moved to amend by striking out \$3,750 and inserting \$10,500 ;

Which amendment, on motion of Mr. Whitney, was laid on the table.

Yeas 13, nays 6.

Those who voted in the affirmative are :

Messrs. Bromberg, Glass, Lambert, McAfee, McIntosh, Mar-

tin of Russell, Martin of Tuscaloosa, Oliver, Sanford, Sevier, Steward, Whitney and Worthy—13.

Those who voted in the negative are :

Messrs. Barr, Coon, Farden, Mahan, Richards and Stow—6.

On motion of Mr. Whitney, the bill was ordered to a third reading at 11 o'clock on Monday next, for which hour it was made the special order.

Yeas 14, nays 5.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Glass, McAfee, McIntosh, Martin of Russell, Martin of Tuscaloosa, Oliver, Sanford, Sevier, Sibley, Steward, Whitney and Worthy—14.

Those who voted in the negative are :

Messrs. Coon, Farden, Mahan, Richards and Stow—5.

NOTICE OF RECONSIDERATION.

Mr. Whitney gave notice that he would move to reconsider the vote by which the Senate to-day passed

Senate bill—

For the relief of the Selma, Marion and Memphis railroad company.

Senate then adjourned until 10½ o'clock Monday morning.

FIFTY-NINTH DAY.

MONDAY, February 19, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Dr. Murrah of the House of Representatives.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Lambert, McAfee, McIntosh, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Whitney and Worthy—23.

READING OF JOURNAL.

Journal of Saturday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Sevier—

To amend sub-division seven of section 112 of the revenue laws ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Worthy the bill was amended by excepting "wine from grapes."

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Martin of Russell—

To establish a criminal court for the county of Russell, with criminal and civil jurisdiction ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Farden—

To prohibit the sale of spirituous liquors within two miles of Rehoboth church, in Elmore county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Bromberg—

For the relief of the Medical College of Alabama at Mobile ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

Mr. McAfee moved to lay the bill on the table ;

Which motion was lost.

Consideration of the bill was cut off by

SPECIAL ORDER.

At 11 o'clock, the first special order set for that hour came up, it being—

House bill—

To provide for the sale of the swamp and overflowed lands of the State to the Mobile & Northwestern Railroad Company upon the terms therein stated :

Said special order was suspended for the

SECOND SPECIAL ORDER.

Second special order set for 11 o'clock, was then taken up, it being—

Senate substitute for House bill—

To enforce the collection of taxes from express companies ; which came up for a third reading as per order of the Senate on Saturday last.

Mr. Farden moved to amend the bill by striking out "three thousand seven hundred and fifty dollars" and inserting "nine thousand dollars."

APPEAL.

Mr. Barr, in the chair, decided said amendment out of order, as the bill was on its third reading, and as the amendment proposed restricting instead of extending its provisions.

Mr. Farden appealed from said decision, contending that his amendment was legitimate, and besides, that on Saturday the President ruled that a similar proposition would be in order when the bill came up on its third reading.

And the question being, "shall the decision of the chair be sustained?" the chair was sustained—yeas 13, nays 8.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Glass, McAfee, Martin of Russell, Martin of Tuscaloosa, Oliver, Sanford, Sevier, Sibley, Steward, Whitney and Worthy—13.

Those who voted in the negative are :

Messrs. Coon, Farden, Foster, Lambert, McIntosh, Mahan, Richards and Royal—8.

The bill was then passed—yeas 16, nays 5.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Glass, McAfee, McIntosh, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Royal, Sanford, Sevier, Sibley, Steward, Whitney and Worthy—16.

Those who voted in the negative are :

Messrs. Coon, Farden, Lambert, Mahan and Richards—5.

Mr. Worthy moved to reconsider said vote, which motion, on motion, was laid on the table.

Ordered forthwith to the House.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Sibley.

SUBSTITUTION.

Mr. Martin of Tuscaloosa was substituted for Mr. Sibley in the committee on enrolled bills.

SPECIAL ORDER.

Special order set for 1 o'clock,
Senate bill—

To provide for the disposal of the funds arising from the sale of the public lands donated by congress to Alabama for the benefit of agriculture and the mechanic arts;

Was postponed, and made special order at 12 o'clock tomorrow.

Message from the House :

HOUSE OF REPRESENTATIVES, }
February 19, 1872. }

Mr. President :

The House has passed Senate bills as follows :

To enable William Donnelson, as guardian of Laura Boddie, a minor, and resident with his said ward in the State of Tennessee, to rent out the lands of his said ward and receive any moneys coming to her in the State of Alabama.

To authorize court of county commissioners of the county of DeKalb to levy a county tax to pay off the indebtedness of said county.

To incorporate the Union Springs Fire Engine Company No. 2, of the town of Union Springs, Ala.

And has amended, as therein shown, and passed Senate bills:

For the relief of Mrs. Hannah S. Tate of Coosa county.

For the relief of Mrs. Nancy Vardeman of Coosa county.

ELLIS PHELAN,
Clerk of House Representatives.

And has originated and passed bills as follows :

To pay fees in certain cases to the solicitor of Dallas county out of general fund of said county.

Also, to extend to the fire companies in the city of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved March 1, 1870.

ELLIS PHELAN,
Clerk House of Representatives.

Senate then took a recess until 7½ o'clock, P. M.

NIGHT SESSION.

Senate met pursuant to adjournment.

Senate resumed consideration of

House bill—

To provide for the sale of the swamp and overflowed lands of Alabama to the Mobile and North-western Railroad Company, upon the terms therein stated.

The question recurred on M. Worthy's amendment, which was pending.

Mr. Barr moved to lay said amendment on the table.

Said motion was lost;

Yeas 6, nays 16.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, McIntosh and Richards—6.

Those who voted in the negative are:

Messrs. Foster, Lambert, McAfee, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Sanford, Sevier, Sibley, Steward, Stow, Whitney and Worthy—16

Said amendment was then adopted;

Yeas 11, nays 9.

Those who voted in the affirmative are—

Messrs. Foster, Lambert, McAfee, Mahan, Martin of Russell, Oliver, Sanford, Sevier, Steward, Stow and Worthy—11.

Those who voted in the negative are—

Messrs. Barr, Bromberg, Coon, Farden, McIntosh, Martin of Tuscaloosa, Miller, Richards and Whitney—9.

Mr. Worthy offered the following amendment:

"Provided, all the rights, privileges, immunities, franchises, grants and transfers contemplated by this act, shall alike ensure, attach to, and belong to the Mobile and Girard Railroad; and that said Mobile and Girard Railroad shall be fully entitled to one-half of all the swamp and overflowed lands herein conveyed to the Mobile and North-western Railroad Com-

pany; and by a commission to be raised by the respective companies herein named, shall divide and apportion to each of said companies, as they may in their judgment decide, and upon agreement between said companies and a proper division thereof, said swamp lands shall be distributed between said companies, and proper legal titles transferred and given to each according to such settlement and agreement."

Mr. Coon moved to amend said amendment, as follows:

Add after the words, "Mobile and Girard Railroad," the following: "Selma and Gulf Railroad," and the "New Orleans and Selma Railroad and Immigration Association."

Mr. Whitney offered the following substitute:

"All the railroads in this State now completed or now being constructed."

Senate refused to lay the amendments on the table.

On motion of Mr. Oliver, the bill was laid on the table;

Yeas 11, nays 10.

Those who voted in the affirmative are:

Messrs. Bromberg, Foster, Lambert, McAfee, Mahan, Martin of Russell, Oliver, Richards, Sanford, Steward and Stow—11.

Those who voted in the negative are:

Messrs. Barr, Coon, Farden, McIntosh, Martin of Tuscaloosa, Miller, Sevier, Whitney and Worthy—15.

On motion of Mr. Farden, the Senate reconsidered the vote making special order for 12 o'clock to-morrow.

Senate bill—

To provide for the disposal of the funds arising from the sale of the public lands donated by Congress to Alabama for the benefit of agriculture and the mechanic arts.

Consideration of said bill was then resumed.

The question recurred on Mr. Oliver's amendment;

Which was adopted.

Mr. Steward moved to strike out the words, "for the sole use and benefit of the colored people of Alabama."

Said motion was afterwards withdrawn.

Mr. Farden moved to strike out all after the word "divided," and insert "that there shall be established two agricultural colleges."

Mr. Whitney moved to lay the whole subject on the table;

Which motion was lost.

Mr. Barr moved to amend Mr. Farden's amendment, by adding:

"Provided, that this act shall be null and void until approved by act of Congress."

APPEAL.

Mr. Worthy in the chair, deciding said amendment to be in order and germane to Mr. Farden's amendment.

Mr. Coon appealed from said decision—

And the question being, "shall the decision of the chair be sustained?"

The chair was *not* sustained;

Yeas 6, nays 11.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Martin of Russell, Martin of Tuscaloosa, Oliver and Richards—6.

Those who voted in the negative are—

Messrs. Coon, Farden, Foster, Lambert, McAfee, Mabry, Mahan, Royal, Sanford, Sevier and Steward—11.

Mr. Barr moved to indefinitely postpone the whole subject;

Which motion was lost;

Yeas 8, nays 13.

Those who voted in the affirmative, are—

Messrs. Barr, Bromberg, McIntosh, Martin of Russell, Richards, Royal, Sanford and Whitney—8.

Those who voted in the negative, are—

Messrs. Coon, Farden, Foster, Lambert, McAfee, Mabry, Mahan, Martin of Tuscaloosa, Miller, Oliver, Sevier, Steward and Worthy—13.

Mr. Farden withdrew his amendment.

Mr. Bromberg offered the following amendment:

"Provided, that this act shall be null and void until approved by act of Congress."

APPEAL.

Mr. Worthy, in the chair, decided that said amendment was proper, being germane to the bill under consideration.

Mr. Coon appealed from said decision—

And the question being, "shall the decision of the chair be sustained?"

The chair was *not* sustained;

Yeas 10, nays 10.

Those who voted in the affirmative are:

Messrs. Barr, Bromberg, McIntosh, Martin of Russell, Mar-

tin of Tuscaloosa, Miller, Oliver, Richards and Whitney—10.

Those who voted in the negative are:

Messrs. Coon, Farden, Foster, Lambert, McAfee, Mabry, Mahan, Royal, Sanford and Steward—10.

Senate refused to suspend the constitutional rule, in order to give the bill a third reading, forthwith.

Bill was ordered to a third reading.

Senate then adjourned until 10½ o'clock to-morrow morning.

SIXTIETH DAY.

TUESDAY, February 20, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Wadsworth, of the Methodist Episcopal church South, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Steward, Stow, Wise, Whitney and Worthing—25.

READING OF JOURNAL.

Journal of yesterday was read and approved.

VOTE RECORDED.

Mr. Foster was allowed to record his vote on the passage of the "Express" bill, and voted nay.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Mahan.

NOTICE OF RECONSIDERATION.

Mr. Mahan gave notice that he would move to reconsider the vote by which Mr. Worthy's amendment was adopted, to House bill—

To provide for the sale of the swamp and overflowed lands of the State to the Mobile and North-western Railroad Company.

Report of a standing committee :

MUNICIPAL AND COUNTY ORGANIZATIONS.

Mr. Sanford, from the committee on municipal and county organizations, reported favorably, with amendments, to House bill—

To amend sections 4, 6, 9, 12 and 28 of an act to amend the charter of the city of Montgomery and the various laws heretofore passed amending the charter of said city.

Said amendments were severally adopted.

Bill as amended was read a third time forthwith, under suspension of the constitutional rule, and passed.

CONSIDERATION OF HOUSE MESSAGES.

House bill—

To regulate elections in the State of Alabama,

Was read twice forthwith, under suspension of the constitutional rule, and made special order for 11 o'clock to-morrow morning.

House bill—

For the relief of Lavinia Miller, of Coffee county ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To define and regulate property exempted from sale under legal process for the payment of debts ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

In relation to asylums and other institutions in this State ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To amend section 2960 of the Revised Code of Alabama,
Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To protect estates and purchasers in sales of property by executors, administrators, guardians and trustees ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To ratify certain acts, judgments, and other proceedings therein named ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To amend section 1084 of the Revised Code of Alabama ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

House bill—

To repeal an act to incorporate the Central Southern Mechanical Institute, approved January 30, 1852 ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To pay fees in certain cases to the solicitor of Dallas county, out of the general fund of said county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the relief of the Pleasant Ridge female institute, in Greene county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend section one of an act to authorize the Georgia Western railroad company to extend and construct their road from the Georgia line to the town of Gadsden, on the Coosa river, approved December 31, 1868 ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prevent camp-hunting in the county of Marion ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To fix the distance for which mileage shall be charged from Geneva county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the better protection of human life ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prescribe the time when the criminal dockets shall be taken up in the counties of Walker, Fayette, Marion, Sanford and Winston ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend section 117 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868, so far as the same applies to the county of Henry ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prohibit the sale of vinous or spirituous liquors within one and a-half miles of the male and female academy at Sandy Ridge, Lowndes county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To relieve the tax collector of Washington county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend section 2721 of the Revised Code of Alabama ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To regulate the pay of grand and petit jurors of Washington county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the relief of Peter M. Ragsdale and J. C. Coleman, of Marshall county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize and empower John Quinn, of Muscogee county, Georgia, to administer on the estate of James Torrey, of Russell county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To remove the administration of the estate of James Gorday, deceased, from the probate court of Barbour county to the probate court of Russell county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To incorporate the town of Pine Apple, in Wilcox county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize Mrs. Jane Hamilton, of Sanford county, to sell certain lands therein mentioned ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill to authorize William A. Walker, jr., administrator of the estate of Richard B. Walker, deceased, to sell the lands of said estate and the dower interest of Mary M. Walker, widow of said deceased, at private or public sale, without an order of court ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To repeal an act fixing the compensation of the treasurer of Clarke county, approved February 14, 1870 ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the relief of Thomas Kinnard, of Hale county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize Warner Bailey, of Choctaw county, to erect gates across the public highways ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To provide an additional term of the chancery court for the

first district of the middle chancery division, composed of the county of Coosa;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To exempt all transcripts and other papers used in making out claims for pensions and county claims, &c., from stamp tax on State and county seals;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To relieve James E. Knott, guardian of Elmira E. Knott and William M. Knott, minors, of Sumter county, from making annual settlements of his guardianship in the probate court for three years;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To prevent the obstruction of the free passage of fish out of and into the waters of Flint creek, in Morgan county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To compensate L. F. Elliott, late jailer of Sheloy county, for feeding prisoners;

Was read three times forthwith, under suspension of the constitutional rule, and passed;

House bill—

For the relief of Mrs. Hannah T. Newman, of DeKalb county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To establish the fees of the county treasurer of Washington county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize Margaret Wilson, widow of Irvin Wilson, deceased, to sell and convey by deed certain lands therein named;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize Eliza M. Buchanan, administrator of the estate of Howell R. Buchanan, deceased, to sell the lands of said estate at private sale;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To amend section 3 of an act to empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of said county;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To allow G. W. S. Hunter, a blind man of Randolph county, to show certain things, therein named, free of State and county license;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize the governor to issue a patent for section sixteen, township sixteen, range seven, west, to William H. Snow, upon certain conditions therein expressed.

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To extend to the Fire companies of the city of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the fire companies of Mobile, approved March 1, 1870;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation, with instructions to report at 12 o'clock to-morrow.

House bill—

Relating to the election of the officers of the city of Mobile;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bill—

To incorporate the town of Ashville, in the county of St. Clair;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bill—

To amend an act to incorporate the Rock and Lignite oil company of Alabama ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bill—

To establish a new charter for the town of Gadsden in Etowah county ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bill—

To incorporate the town of Calera, in Shelby county ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bill—

To amend an act to incorporate the town of Columbiana, Shelby county, approved February 6, 1858 ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

House bill—

In relation to mechanics' lien in this State ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Whitney, Mabry and Miller.

RECEDES.

Senate receded from its amendment to

House bill—

To prohibit the sale of vinous or spirituous liquors within two miles of Town Creek church in Dallas county.

House bill—

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as the same relates to Choctaw county ;

Was read twice forthwith, under suspension of the constitutional rule, and indefinitely postponed.

House bill—

To repeal an act to suppress murder, lynching and assaults and batteries, so far as the same relates to Calhoun county ;

Was read twice forthwith, under suspension of the constitutional rule, and indefinitely postponed.

House bill—

To abolish the county court of Wilcox county ;

Was read and indefinitely postponed.

House bill—

To repeal an act to suppress murder, lynching and assaults and batteries, so far as relates to the counties of Cleburne, Fayette, Sanford, Lawrence and Henry ;

Was read twice forthwith, under suspension of the constitutional rule, and indefinitely postponed.

Yeas 12, nays 6.

Those who voted in the affirmative, are—

Messrs. Barr, Coon, Farden, Foster, Glass, Lambert, McAfee, Martin of Russell, Miller, Oliver, Richards, and Sevier—12.

Those who voted in the negative, are—

Messrs. Bromberg, Mabry, Martin of Tuscaloosa, Royal, Sanford and Worthy—6.

House bill—

To repeal an act to suppress murder, lynching, and assaults and batteries, so far as the same relates to Greene county ;

Was read and laid on the table.

House bill—

To repeal an act to suppress murder, lynching, and assaults and batteries, so far as it relates to the county of Madison ;

Was read and laid on the table.

House bill—

To repeal an act to suppress murder, lynching and assaults and batteries, so far as it relates to the counties of Jackson and DeKalb ;

Was read and laid on the table.

House bill—

To repeal an act to suppress murder, lynching and assaults and batteries, so far as the same relates to the counties of Butler and Clay ;

Was read and laid on the table.

House bill—

To repeal an act to suppress murder, lynching and assaults and batteries, so far as it relates to the county of Marion ;

Was read and laid on the table.

House bill—

To repeal an act to suppress murder, lynching and assaults

and batteries, so far as it relates to the counties of Morgan and Winston;

Was read and laid on the table.

House bill—

To repeal an act to suppress murder, lynching and assaults and batteries, so far as the same relates to the county of St. Clair;

Was read and laid on the table.

House bill—

To repeal an act to suppress murder, lynching and assaults and batteries, so far as it relates to the counties of Marshall and Butler;

Was read and laid on the table.

House bill—

To repeal an act to suppress murder, lynching and assaults and batteries, so far as it relates to the counties of Limestone, Cherokee and Lauderdale;

Was read and laid on the table.

House bill—

To repeal "An act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages," approved December 25, 1868, so far as relates to the counties of Jackson, DeKalb, Covington, Crenshaw and Cherokee;

Was read and laid on the table.

House bill—

To repeal an act to suppress murder, lynching and assaults and batteries, so far as the same relates to the counties of Mobile and Pike;

Was read and laid on the table—Yeas 16, nays 4.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Lambert, McAfee, Martin of Russell, Miller, Oliver, Richards, Royal, Sevier, Stow, Wise and Worthy—16.

Those who voted in the negative are—

Messrs. Bromberg, Mabry, Martin of Tuscaloosa and Sanford—4.

House bill—

To amend section 3705 of the Revised Code of Alabama;

Was read twice forthwith, under suspension of the constitutional rule.

Mr. Mabry moved to amend by striking out the following words:

"With the intent to carry the same out of the State."

Bill and amendment were referred to a select committee composed of Messrs. Mabry, Oliver and Worthy.

House bill—

To repeal an act incorporating the town of Fayetteville, in Talladega county;

Was read twice under suspension of the constitutional rule, and laid on the table.

House bill—

To raise revenue for the State;

Was read twice forthwith, under suspension of the constitutional rule.

Mr. Oliver moved to strike out "one per cent." and insert "one-half of one per cent.";

Which amendment was laid on the table.

Bill was then read a third time forthwith, under suspension of the constitutional rule, and passed.

House joint resolution—

To divide the State into seven congressional districts;

Was read and adopted.

Messrs. Sanford, Coon, Worthy, Martin of Tuscaloosa, Lambert and Sevier were appointed the committee of the Senate under said joint resolution.

House joint resolution—

To the President of the United States, in behalf of the farming interests of Alabama;

Was read and adopted.

House bill—

To change the line between the counties of Lee and Chambers, so as to include the south-west quarter of section eight (S), township twenty, range twenty-five, in Lee county;

Was read three times forthwith, under suspension of the constitutional rule and passed.

Yeas 22, nays 1.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Lambert, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Sanford, Royal, Sevier, Steward, Stow, Wise, Whitney and Worthy—22.

Mr. McAfee voted in the negative—1.

Messages from the House :

HOUSE OF REPRESENTATIVES, {
February 20, 1872. }

Mr. President :

The House has originated and passed bills as follows :

To amend section 2371 of the Revised Code.

To prohibit fortune telling in this State.

To create additional voting precincts in the counties of Dallas Washington and Conecuh.

To restrain the tax collector of Barbour county from collecting excessive taxes from Wm. P., John C. and Henry C. Copeland, Charles Burns, Mrs. Jane Carver, and Dr. E. S. E. Bryan, all of the city of Eufaula, for the year 1871.

To vest in Tennessee and Alabama Central railroad company certain lands granted by Congress in trust to State of Alabama to aid in the construction of Tennessee and Alabama Central railroad.

To prevent sale of spirituous liquors within one mile of Shady Grove Baptist church in Dallas county, Little Zion church in Lee county, and Snowdown school house in Montgomery county.

To better secure the payment of rents of lands in the State of Alabama.

To authorize Thomas E. Blanchard, a citizen of State of Georgia, to qualify as executor of the estate of John Mitchell, deceased.

To exempt the Columbus, Fayette and Decatur railroad from taxation.

For relief of William L. Mims of Monroe county.

And passed Senate bill—

Authorizing and in relation to certain aid to be given by the county of Montgomery on conditions in said act stated, to a road to be incorporated and known as the Montgomery County railroad company.

The House has adopted the following resolution:

Resolved, That the Senate be, and is hereby requested to return to this House all the evidence taken by the House committees in the case of Hon. John Elliott, judge of the 6th judicial circuit of Alabama.

ELLIS PHELAN,
Clerk House Representatives.

HOUSE OF REPRESENTATIVES, }
February 20, 1872. }

Mr. President:

The House has originated and passed bills as follows:

To change the boundary line between the counties of Lee and Tallapoosa.

For the relief of the poor of Jackson county.

To prohibit the sale of liquors within one mile of Spring

Creek camp ground, Cherokee county, and Mt. Moriah church, Montgomery county.

To establish a criminal court for the county of Russell, with criminal and civil jurisdiction.

For the relief of Eliza S. Phinizy of Lawrence county.

To establish the county court of Russell county.

ELLIS PHELAN,

Clerk House Representatives.

Mr. Farden presented the following

PROTEST.

Mr. President :

I hereby respectfully enter my protest against the passage of the bill known as the bill to be entitled "an act in relation to the Southern Express company," for the following reasons :

1st. Because it was declared and ruled, that I could not offer an amendment which increased the provisions of the bill, by requiring the Express Company to pay more to the State than the original bill proposed.—See Barclay's Digest, of Manual, 1867, first paragraph, page 113.

2d. Because, the bill was ordered to be read the third time on Monday, and was so read, and "could not be passed on the same day, because this would be to pass to two readings on the same day."—See Barclay's Digest of Manual, 1867, third paragraph, page 112.

3d. Because, in my opinion, it is discriminating in favor of the Express Company, a foreign corporation, and against home corporations, and especially against the individual tax-payers, citizens of Alabama, whose rights are inherent, while foreign corporations have only such rights as are allowed by statute law.—See Thompson vs. Pacific Railroad Company, 8th Wallace Reports; Paul vs. Virginia, 9th Wallace Reports; Liverpool Insurance Company vs. Massachusetts, 11th Wallace Reports, U. S. Supreme Court.

Respectfully,

J. A. FARDEN,

Senator for Autauga and Elmore.

I fully concur in the above statement.

D. E. COON,

Senator Dallas county.

I concur in the above protest³

J. P. STOW,
Senator Montgomery county.

I concur in the above protest.

J. DE F. RICHARDS,
Senator Wilcox county.

We fully concur in the above protest, for the reasons therein stated.

J. W. MAHAN,
Senator for Shelby and Bibb.
JNO. T. FOSTER,
Senator from Choctaw, Clarke and Washington.

REVENUE BILL.

Mr. Worhy moved that
House bill—

To establish revenue laws for the State of Alabama, be made special order for 12 o'clock to-morrow.

Mr. Farden moved to amend said motion by taking a recess until 7 p. m.

Mr. Worthy asked for a division of the question

Vote was first taken on recess which was lost.

The revenue bill was then made special order for 12 o'clock to-morrow.

Senate adjourned until 10½ o'clock to-morrow morning.

SIXTY-FIRST DAY.

WEDNESDAY, February 21, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Murrah of the House of Representatives.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass,

Lambert, McAfee, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Steward, Stow, Whitney and Worthy—23.

READING OF JOURNAL.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Sevier—

To repeal an act to allow Wash G. Cain to establish a ferry across the Tallapoosa river ;

Which bill was read twice forthwith, 'under suspension of the constitutional rule, and referred to the committee on roads and public highways, with instructions to report at 11 o'clock to-morrow morning.

By Mr. Sevier—

To establish a public ferry across the Tallapoosa river ;

Which bill was read twice forthwith, under suspension of the constitutional rule and referred to the committee on roads and public highways, with instructions to report at 11 o'clock to-morrow morning.

By Mr. Bromberg—

To secure to the United States land receiver and register at Mobile the amounts due them by the State for entering the patents for swamp and overflowed lands ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

Mr. McAfee moved to amend as follows :

“ Provided, that the proceeds of the sale of the overflowed and swamp lands at two cents per acre shall be sufficient to pay such claims ;”

Which amendment was laid on the table ;

Bill was then read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Worthy—

To authorize the Mobile and Girard Railroad Company to establish and hold its business office in the city of Columbus, in the State of Georgia ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and lost ;

Yeas 11, nays 12.

Those who voted in the affirmative are :

Messrs. Farden, Lambert, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Sanford, Steward, Whitney and Worthy—11.

Those who voted in the negative are :

Messrs. Barr, Bromberg, Coon, Foster, McAfee, McIntosh, Mabry, Royal, Sevier, Stow, Wise, and Mr. President—12.

By Mr. Farden—

To authorize John Austin, of Morgan county, to sell at private sale the interests of Mary Austin and Jane Edwards in the estate of Isaac Edwards, deceased ;

Which bill was read a third time forthwith, under suspension of the constitutional rule, and passed—Yeas 12, nays 10.

Those who voted in the affirmative are :

Messrs. Barr, Coon, Farden, Foster, McIntosh, Martin of Russell, Miller, Pennington, Richards, Steward, Stow and Whitney—12.

Those who voted in the negative are :

Messrs. Bromberg, Glass, Lambert, McAfee, Mabry, Martin of Tuscaloosa, Oliver, Sanford, Wise and Worthy—10.

By Mr. Farden—

To prohibit officers from drawing up the pleadings in suits in which they are to sit in judgment ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Farden—

To amend the charter of the Wetumpka insurance company ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Farden, Lambert and Worthy.

By Mr. Steward—

To extend the time for the collection of taxes in Marengo and Perry counties, and for the sale of real estate for taxes for the year 1871 ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

Amendments were offered to extend its provisions to the following counties :

Pike, Bibb, Conecuh, Butler, Tuscaloosa, Mobile, Baldwin, Monroe, Talladega, Clay, Marshall, Jackson, DeKalb, Coosa, Tallapoosa and Jefferson.

Mr. Barr moved to lay the bill and amendments on the table.

A division of the question was asked for, and the amendments were laid on the table.

On motion of Mr. Steward, "May" was stricken out and "April" inserted.

Mr. Foster moved to add Clarke county.

Mr. Oliver moved to include Jefferson county.

Mr. Worthy offered a substitute so as to include all the counties in the State ;

Which substitute was lost.

Motions were made to include the counties of Pike, Bibb and Butler.

Bill was then laid on the table.

SPECIAL ORDER.

At 12 o'clock, the special order set for that hour came up, it being House bill—

To establish revenue laws for the State of Alabama ;

Which was postponed, and made special order for 10½ o'clock to-morrow.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
February 21, 1872. }

Mr. President :

The House has originated and passed bills as follows :

To regulate the fees of notaries public and justices of the peace for Wilcox county, and to provide for the payment of the same in certain cases.

To confine the holding of elections in this State to the first Tuesday after the 1st Monday in November of each year.

To regulate election returns in Colbert county.

To apportion representation to the county of Colbert.

To remove the administration of the estate of Caroline Goree, deceased, from the county of Greene to the county of Hale, and the administration of the estate of Willis Maxwell, deceased, from probate court of Tallapoosa to probate court of Coosa county.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
February 21, 1872. }

Mr. President:

The House has passed Senate bills as follows :

To authorize William O. Baldwin, of Montgomery, to take out letters of guardianship of the person and property of Wm. O. Baldwin, minor.

To amend sections one and two of an act to incorporate the South and North Alabama railroad company.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
February 21, 1872. }

Mr. President:

The House has originated and passed a bill—

Supplementary to an act to relieve and regulate the finances of the State.

ELLIS PHELAN,
Clerk House of Representatives.

ELECTION BILL—SPECIAL ORDER.

At 11 o'clock, the special order set for that hour came up, it being

House bill—

To regulate elections in the State of Alabama.

Section 1 was read.

On motion of Mr. Lambert, the words "and precinct" were stricken out.

Thus amended, said section was adopted.

Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, were read and adopted.

Section 19 was read.

On motion of Mr. Farden, the word "five" was substituted for the word "three ;"

Thus amended, said section was adopted.

Section 20 was read.

On motion of Mr. Martin of Tuscaloosa, the section was amended by striking out the words, "and boundaries ;"

Thus amended, said section was adopted.

Section 21 was read.

On motion of Mr. Coon, the section was amended by in-

serting after the word "box" in the third line, the words "one returning officer for each precinct."

Mr. Lambert moved to amend by adding after the word "inspector," the words, "all of whom shall not belong to the same political party;"

Which amendment, on motion of Mr. Mabry, was laid on the table;

Thus amended, said section was adopted.

Section 22 was read.

On motion of Mr. Coon, said section was amended by adding after the word "the" in the first line, and inserting the words "inspectors and the."

Mr. Mabry moved to strike out "seven" before the word "o'clock" and insert "eight;"

Which motion was lost.

Thus amended, said section was adopted.

Section 23 was read.

On motion of Mr. Coon, the words "returning officer" were inserted in the first line.

On motion of Mr. Coon, the words "as inspectors" were inserted in the fifth line after the word "serve;"

Thus amended, the section was adopted.

Sections 24, 25, 26, 27 and 28, were read and adopted.

Section 29 was read.

On motion of Mr. Martin of Tuscaloosa, the words "and precinct" were stricken out;

Thus amended, the section was adopted.

Section 30 was read.

On motion of Mr. Coon, the words "without any engraving or device" were stricken out.

On motion of Mr. Coon, the word "voting" was stricken out and the words "whose ballot has been received" were inserted.

Mr. Steward moved to strike out the words "plain white."

On motion of Mr. Whitney, the word "white" was stricken out.

On motion of Mr. Richards, the word "partly" was inserted after the words, "written and;"

Thus amended, the section was adopted.

Section 31 was read.

On motion of Mr. Coon, the section was amended after the word "must" by inserting the words "receive his ballot and;"

Thus amended, the section was adopted.

Section 32 was read and adopted.

Section 33 was read.

Mr. Steward moved to strike out the entire section.

Which motion, on motion of Mr. Farden, was laid on the table.

Mr. Farden moved to strike out the words in the fifth line, "precinct for which they are appointed" and insert the word "county."

Mr. Sevier moved to lay said amendment on the table.

Mr. Barr moved to strike out the entire^d section ;

Pending consideration of which—

Senate took a recess until 4 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Called to order by Mr. Sanford, president *pro tem*.

RESOLUTION.

Mr. Whitney offered the following resolution, which was read and adopted :

Resolved, That the president of the Senate and secretary of the Senate be, and they are hereby authorized and required to certify the account of Charles O. Whitney, chairman of Senate special committee to investigate the condition and management of the Alabama and Chattanooga railroad, for the sum of seven hundred and forty-four dollars, to pay the expenses incurred by said committee, the same being for the payment of the members of the committee, clerk and sergeant at arms.

Senate bill—

To repeal an act of the Board of Education "to provide for the transfer of children," approved December 16, 1871 ;

Was read a third time forthwith, under suspension of the constitutional rule, and passed.

Senate bill—

To repeal an act of the Board of Education "to amend section 8 of article 11 of the school laws," approved December 14, 1871 ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

Senate bill—

To repeal an act of the Board of Education, "to provide

for drawing school funds by county superintendents of education," approved December 14, 1871 ;

Was read a third time forthwith, under suspension of the constitutional rule, and passed.

Senate bill—

To repeal an act of the Board of Education, "to provide for the education of teachers of colored schools," approved December 20, 1871 ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To establish a college at Auburn, in Lee county, for the benefit of agriculture and the mechanic arts, pursuant to an act of the Congress of the United States, approved July 2, 1862 ;

Was read twice forthwith, under suspension of the constitutional rule, and made special order for 11½ o'clock to-morrow.

House bill—

To amend an act to vest in the Tennessee & Alabama Central Railroad Company certain lands granted by congress in trust to the State of Alabama, to aid in the construction of the Tennessee & Alabama Central Railroad ;

Was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee composed of Messrs. Whitney, Farden and Glass, with instructions to report at 12½ o'clock to-morrow, for which hour it was made special order.

Senate bill—

Supplementary to "an act to relieve and regulate the finances of the State ;"

Was made special order for 1½ o'clock, P. M., to-morrow.

Mr. Mabry, from select committee, reported favorably, with amendment, to

House bill—

To amend section 3705 of the Revised Code of Alabama ;

Said amendment was adopted and the bill ordered to a third reading.

Senate resumed consideration of

House bill—

To regulate elections in the State of Alabama.

The question recurred on Mr. Barr's motion to strike out section 33 ;

Which motion was lost.

Yeas 7, nays 11.

Those who voted in the affirmative are :

Messrs. Barr, Farden, Foster, Mabry, Martin of Russell, Oliver and Whitney—7.

Those who voted in the negative are :

Messrs. Bromberg, Coon, Lambert, McIntosh, Martin of Tuscaloosa, Pennington, Richards, Royal, Sanford, Sevier and Worthy—11.

Mr. Mabry offered the following substitute for section 33 :

“That it shall be the sworn duty of the managers of elections to challenge such votes as they may believe to be unlawful, and to keep a list of such challenges;”

Which substitute, on motion of Mr. Coon, was laid on the table.

Mr. Richards offered the following amendment, which was adopted :

“Insert in the fifth line, after the words “must reside,” the words “in the county, and if practicable,” so as to read : “said board of challengers must reside in the county, and if practicable, in the precinct for which they are appointed.”

Mr. Richards moved to strike out “two” in the sixth line and insert “one” ;

Which motion was lost.

Mr. Coon moved to strike out in the seventh line the words “any member,” and insert the words “a majority.”

On motion of Mr. Whitney, section 33 was stricken out—Yeas 14, nays 6.

Those who voted in the affirmative are :

Messrs. Barr, Coon, Farden, Foster, Glass, McIntosh, Mabry, Miller, Oliver, Pennington, Richards, Royal, Steward and Whitney—14.

Those who voted in the negative are :

Messrs. Bromberg, Lambert, Martin of Tuscaloosa, Sanford, Sevier and Worthy—6.

Mr. Bromberg moved to lay the bill on the table ;

Which motion was lost.

Mr. Coon offered a section to take place of section 33, stricken out.

Mr. Coon moved to reconsider the vote by which section 33, was stricken out.

Mr. Whitney moved to lay said motion on the table.

Which motion of Mr. Whitney was lost.

Pending consideration of Mr. Coon’s motion to reconsider, Senate adjourned until 10½ o’clock to-morrow morning.

SIXTY-SECOND DAY.

THURSDAY, February 22, 1872

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Wadsworth, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Lambert, McAfee, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Steward, Stow, Wise, Whitney and Worthy—24.

READING OF THE JOURNAL.

Journal of yesterday was read and approved.

NOTICE OF RECONSIDERATION.

Mr. Bromberg gave notice that he would move to reconsider the vote by which was lost

Senate bill—

To authorize the Mobile & Girard Railroad Company to establish and hold its business office in the city of Columbus, in the State of Georgia.

CALL OF THE DISTRICTS.

On the call of the districts the following bills were introduced:

By Mr. Sevier—

For the relief of Mrs. M. Louise Thornton of Colbert county;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Sevier—

To repeal section 1389 of the Revised Code of Alabama;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Whitney, the bill was laid on the table—
Yeas 13, nays 8.

Those who voted in the affirmative are :

Messrs. Coon, Farden, Foster, Glass, Lambert, McAfee, Martin of Russell, Miller, Pennington, Richards, Steward, Stow and Whitney—13.

Those who voted in the negative are :

Messrs. Bromberg, McIntosh, Mabry, Martin of Tuscaloosa, Oliver, Royal, Sanford, and Sevier—8.

By Mr. McAfee—

To require notaries public to try cases in the beat in which the defendant, or one of several defendants, resides ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Mabry—

For the relief of Henry F. Shelby of Lowndes county, of non-age ;

Which bill was read twice forthwith, under suspension of the constitutional rule.

On motion of Mr. Foster, the bill was amended, by extending its provisions to "Samuel P. Prowell of Marengo county ;"

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

By Mr. Coon—

To authorize and empower the mayor and council of the city of Selma to establish and provide a sinking fund for the payment of the bonded debt of said city ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Coon—

To repeal section 51 of an act to establish a new charter for the city of Selma, approved December 4, 1868 ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Bromberg -

To provide for the reduction of the liabilities of the State of Alabama by the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of the State endorsement heretofore authorized of the bonds of various railroad companies entitled thereto ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to a select committee

composed of Messrs. Bromberg, Worthy, Oliver, Pennington, Sanford and Coon, and fifty copies ordered to be printed.

By Mr. Barr—

Joint resolution, to authorize the Secretary of State to give to each judge and solicitor of the State, a copy of Smith's Condensed Reports ;

Which was read and adopted.

Senate bill—

To re-imburse the State of Alabama for all sums of money paid out and expended on account of interest upon the endorsed bonds of the Alabama and Chattanooga Railroad Company ; and for all expenses incurred in paying said interest, with all costs and expenses arising from the seizure of said railroad, and from the litigation incident thereto ;

Was taken up on motion of Mr. Bromberg and read to section 13,

When the further consideration was cut off by

SPECIAL ORDER

Set for 11½ o'clock, it being

House bill—

To establish a college at Auburn, Lee county, for the benefit of agriculture and the mechanic arts, pursuant to an act of the Congress of the United States, approved July 2, 1862.

Mr. Martin of Tuscaloosa, offered a substitute to establish said college as a branch of the University of Alabama.

Mr. Oliver moved to postpone the whole subject until 12 o'clock to-morrow ;

Which motion was lost.

Said substitute was lost ;

Yeas 17, nays 7.

Those who voted in the affirmative are—

Messrs. Coon, Farden, Foster, McAfee, Miller, Martin of Tuscaloosa and Oliver—7.

Those who voted in the negative are—

Messrs. Barr, Bromberg, Glass, Lambert, McIntosh, Mabry, Martin of Russell, Pennington, Richards, Royal, Sanford, Sevier, Steward, Stow, Wise, Whitney and Worthy—17.

Mr. Oliver offered a substitute, to locate the college at Birmingham, Jefferson county.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
February 22, 1872. }

Mr. President :

I am instructed by the House to request that the bill,
Supplementary to an act to relieve and regulate the finances
of the State, be returned to the House.

ELLIS PHELAN,
Clerk House Representatives.

HOUSE OF REPRESENTATIVES, }
February 22, 1872. }

Mr. President :

The House has originated and passed a bill :

To provide for a sinking fund for the redemption of the
State debt.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the Governor :

Mr. President :

I am directed by his excellency the governor to inform you
that he has approved the following acts originating in the
Senate, viz :

To amend the third and eighth sections of an act to incor-
porate the Pensacola & Mobile railroad company.

In relation to the State bonds of Alabama.

To prohibit the sale, giving away, or otherwise disposing of
to another, spirituous, vinous or malt liquors, within a dis-
tance of two miles of the Socapatoy chapel or church house of
the Methodist Episcopal church south, in Coosa county.

Joint memorial and resolution of the general assembly of
Alabama to the congress of the United States.

For the relief of Young C. Hall, administrator of the es-
tate of Charles Hall, deceased, in the county of Baldwin.

For the relief of the estate of A. S. Hill, late of Barbour
county.

To appropriate six hundred dollars for the purpose of dis-
tributing the acts of the present session of the general assem-
bly and the journals of the senate and house of represent-
atives.

To authorize Friendly Grubbs, of Barbour county, and
Samuel N. Brown, of Macon county, to peddle and auction
without a license or tax.

For the relief of Samuel N. Brown, of Macon county.
Supplemental to an act incorporating the town of Oxford, in Calhoun county.

To provide funds for the proper payment of the current expenses of the poor house of Macon county.

For the relief of Samuel F. Beall, late tax collector of Tuscaloosa county.

To authorize Mrs. Lydia A. Ausborn to sell certain lands therein described.

To incorporate the Clayton Hook and Ladder company No. 1 of Clayton, Alabama, and the Hook and Ladder company of Troy, Pike county, Alabama.

For the protection of holders of lottery tickets or certificates.

To authorize Susan A. Tidwell, of Blount county, to sell certain lands.

To incorporate the Union Springs Fire Engine company No. 2 of the town of Union Springs, Alabama.

To authorize the court of county commissioners of the county of DeKalb to levy a county tax to pay off the indebtedness of said county.

To repeal an act to incorporate the town of Blountsville, in Blount county, approved February 7th, 1870.

To authorize Asa Blakey, of Barbour county, to peddle in said county without license.

To enable William Donaldson, as guardian of Laura Boddie, a minor, and resident with his said ward, in the State of Tennessee, to rent out the lands of his said ward and receive any moneys coming to her in the State of Alabama.

W. V. CHARDVOYNE,

Secretary.

Pending consideration of Mr. Oliver's substitute—
Senate took a recess until 4½ P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Senate resumed consideration of

House bill—

To establish a college at Auburn, in Lee county, for the benefit of agriculture and the mechanic arts, pursuant to an act of the congress of the United States, approved July 2, 1862.

The question recurred on Mr. Oliver's substitute.

Said substitute was adopted ;

Yeas 9, nays 12.

Those who voted in the affirmative are :

Messrs. Bromberg, Coon, Farden, Foster, McAfee, Martin of Russell, Martin of Tuscaloosa, Miller and Oliver—9.

Those who voted in the negative are :

Messrs. Barr, Glass, Lambert, McIntosh, Mabry, Pennington, Richards, Royal, Sanford, Sevier, Whitney and Worthy—12.

Mr. Farden moved to strike out "Auburn" and insert "Talladega ;"

Which motion was laid on the table.

Mr. Oliver moved to strike out "Auburn" and insert "Elyton ;"

Which motion was laid on the table.

Mr. Oliver moved to lay the bill on the table ;

Which motion was lost.

Mr. Steward offered a substitute providing for the location of the college at Florence ;

Which was laid on the table ;

Yeas 15, nays 8.

Those who voted in the affirmative, are—

Messrs. Barr, Coon, Foster, Glass, McIntosh, Mabry, Martin of Russell, Pennington, Richards, Royal, Sanford, Stow, Wise, Whitney and Worthy—15.

Those who voted in the negative, are—

Messrs. Bromberg, Farden, McAfee, Martin of Tuscaloosa, Miller, Oliver, Sevier and Steward—8.

Senate refused to suspend the constitutional rule in order to give the bill a third reading forthwith.

Bill was made special order for 11½ o'clock to-morrow.

On motion of Mr. Bromberg—

House bill—

To provide for the sale of the swamp and overflowed lands of the state to the Mobile and New Orleans railroad company, upon the terms therein stated ;

Was made special order for 1 o'clock p. m. on to-morrow.

House bill—

To establish revenue laws for the State of Alabama ;

Was made special order for 11½ o'clock to-morrow.

House bill—

To regulate elections in the State of Alabama ;

Was made special order for 10:40 o'clock to-morrow.

CONCURRENCE.

Senate concurred in the amendments of the house to Senate bills—

For the relief of Hannah S. Pate, of Coosa county.

For the relief of Mrs. Nancy Vardeman, of Coosa county.

REPORT OF SELECT COMMITTEE.

Mr. Whitney, from select committee, reported favorably to House bill—

To amend an act to vest in the Tennessee & Alabama Central railroad certain land granted by congress in trust to the State of Alabama, to aid in the construction of the Tennessee & Alabama Central railroad.

The constitutional rule was suspended in order to give the bill a third reading forthwith.

Mr. Martin of Tuscaloosa, moved to indefinitely postpone the bill;

Which motion was lost;

Yeas 6, nays 12.

Those who voted in the affirmative are:

Messrs. Bromberg, Coon, Martin of Tuscaloosa, Miller, Sanford and Worthy—6.

Those who voted in the negative are:

Messrs. Barr, Farden, Glass, Lambert, McIntosh, Mabry, Martin of Russell, Oliver, Pennington, Sevier, Stow and Whitney—12.

Vote suspending the constitutional rule was reconsidered.

Bill was referred to a select committee composed of Messrs. Worthy and Oliver, with instructions to report at 11 o'clock to-morrow.

Senate then adjourned until 10½ o'clock to-morrow morning.

SIXTY-THIRD DAY.

FRIDAY, February 23, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Dr. Richards of the Senate.

ROLL CALL.

On the call of the roll the following senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, King, Lambert, McAfee, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Steward, Stow, Wise, Whitney and Worthy—28.

READING OF JOURNAL.

Journal of yesterday was read and approved.

* SPECIAL ORDER.

At 10½ o'clock the special order set for that hour came up, it being House bill—

To establish revenue laws for the State of Alabama.

Mr. Mabry moved to amend as follows, which amendment was lost :

After the word "merchandize," insert the words "sold or;" and strike out after the word "upon, the words "not less than the largest amount," and insert the words, "the amount sold and."

On motion of Mr. Coon, section 24 was amended as follows:

"Sec. 24. Be it further enacted, That the president and secretary or receiver of any railroad company whose track or road bed, or any part thereof, is in this State, shall annually, in the month of April, return to the auditor of State, under their oath, the total length of such railroad, the total length and value of such roads, including right of way, road bed, side track and main track in this State; and the total length and value thereof in county, city and incorporated towns in

this State; they shall also make return of the number and value of all their locomotive engines, passenger, freight, platform, construction and other cars, and the total value so ascertained shall be submitted to the board of equalization; and the same shall be assessed for State purposes only by the auditor, the same as the property of individuals, and the tax shall become payable by each railroad company to the auditor, and shall be subject to the same rules and penalties as is now provided for payment of other State taxes; and the auditor shall be entitled to any and all remedies granted by this act to tax collectors; Provided, however, the president, secretary or receiver of each railroad company shall make a full return to the tax assessor of each county through which the said road may be located of the property, except the lands donated by congress and hereinafter exempted, together with station houses and machine shops, and also lands outside the right of way; Provided, further, that all taxes provided for in this section shall become due and payable on the first day of January of each year; and provided further, that no tax under the provisions of this act shall be assessed or collected upon any railroad company now being constructed, or which may hereafter be constructed, until thirty miles of said road shall be completed and in operation."

On motion of Mr. Bromberg, section 12 was amended as follows:

"On the gross amount of premiums received from its business in this State during each tax year by any insurance company chartered by or organized under any of the laws of this State, one per cent. on the gross premiums, less the expenditures; and in the case of life insurance companies so chartered or organized, the necessary reserve fund of said companies, exclusively for public school purposes."

Mr. Coon offered the following as a substitute for section 39, which was adopted:

"Be it further enacted, That the tax collector shall keep a stub book for each tax year, and upon the payment of taxes by any tax payer, shall enter therein the name of such tax payer and the amount of his taxes on real and personal property separate, and the nature and amount of all other taxes and fees collected from him, and the date of payment. At the end of the tax year this book shall be delivered by the tax collector to the probate judge of the county, to keep in his office; and the tax collector shall purchase such books at the expense of the county. Upon the payment of taxes by

any one, the tax collector shall execute to the tax payer a receipt containing a statement of taxes corresponding with returns in the stub book. The commissioners court shall have power to compel the production of said book by the tax collector for their inspection at any time."

Mr. Oliver moved to indefinitely postpone the bill ;

Which motion was lost.

Mr. Coon offered the following amendments, which were severally adopted :

Sec. 34. By adding after "them," in the fourth line, "and when the assessor has made the demand or given the notice required by section 34, and has failed to procure from any tax payer a list of his taxable property, the assessor shall ascertain to the best of his ability the property upon which such person is liable to be taxed, and shall make a list thereof, and shall assess the tax upon the same."

Sec. 35. By striking out section 35, and insert the following in lieu thereof as section 35 :

"Sec. 35. Be it further enacted, That the taxes not entered by the assessor in his assessment book shall not be collected by the tax collector until the assessment thereof shall have been entered by him in the assessment book, both the original and copy under the supervision of the judge of probate."

Sec. 38. By adding after the word "tax," in the last line (6th), the following : "and also include all town and city lots, and their number, and the number of block to which it belongs."

Sec. 41. Amend by inserting the following as section 41 :

"Sec. 41. Be it further enacted, That after the assessment of taxes shall have been entered in a book by the assessor, as provided by law, the assessor shall make a true copy of said book before the same is delivered to the judge of probate, and after the assessments have been equalized, and the corrections made on the original book by the board of equalization, it shall be the duty of such assessor to enter the corrections in a copy of said book, and to deliver said copy of said book to the tax collector of the county within ten days after the assessment shall have been equalized by the board ; said original book of assessments shall remain in the office of the judge of probate, and shall be at all times subject to the inspection of the tax payers of the county ; and if the assessor shall fail to perform all or either of the duties required of him by this section, he shall be guilty of a misdemeanor, and

upon conviction shall be fined not less than five hundred dollars, and be imprisoned not less than three months."

Sec. 42. Amend by inserting the following as section 42 :

"Sec. 42. Be it further enacted, That the assessor shall deliver to the probate judge of the county, by the first Monday of July of each year, a book containing a list, alphabetically arranged, of the names of all persons liable to a poll tax in each precinct of the county."

Sec. 42. Amend by adding the following as section 42 :

"Sec. 42. Be it further enacted, That if any tax assessor, tax collector or other person who shall without the consent of the tax payer, alter or change any assessment of property after the assessment lists shall have been completed as now required by law, he shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than fifty dollars, and may at the discretion of the jury, be imprisoned in the county jail not exceeding six months."

Sec. 43. Amend by inserting the following as section 43 :

"Sec. 43. Be it further enacted, That the assessor shall furnish each tax payer with a certified copy of his assessment list at the time when such assessment is made."

On motion of Mr. Mabry, the amendment was amended as follows :

"The assessor shall have at the bottom of his printed list the tax collectors receipt attached to said list ;"

Thus amended, the amendment was adopted.

On motion of Mr. Barr, section 41 was amended in the 8th line by inserting after the word taxes, the words "and his fees out of the first money collected for the county."

On motion of Mr. Bromberg, section 42 was amended by striking out the word "assessor" where it first occurs in the 4th line and by inserting the word "county."

On motion of Mr. Barr, section 90 was amended as follows: By inserting after the word "sale" in the 4th line of section 90, the words "and where a person has *bona fide* paid taxes on his land as may be shown by the receipt of the tax collector, although through ignorance of the tax payer or the assessor the land was not properly assessed as required by this act, or was not assessed by metes and bounds according to United States survey, such payment shall be a good payment of taxes within the meaning of this act."

On motion of Mr. Bromberg, section 86 was amended by inserting the words "or error," after the word "fraud," in lines 40 and 41.

On motion of Mr. Richards, the following was inserted in section 108:

"And that the treasurer shall be allowed five per cent. on the amount to be paid out of the State treasury."

Mr. Foster offered the following as an additional section, which was adopted:

"That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed."

On motion of Mr. Whitney, the word "perform" was stricken out in lines 8 and 9 of section 112, and the words "twenty-four hours" were inserted.

On motion of Mr. Steward, section 111, line 45, was amended by striking out "\$25" and by inserting "\$100."

On motion of Mr. Steward, line 34 of section 111 was amended, by striking out "\$30" and inserting "\$75."

On motion of Mr. Steward, line 34 of section 111 was amended by striking out "\$75" and inserting "\$125."

On motion of Mr. Steward, line 21 of section 111 was amended by striking out "\$200" and inserting "\$300."

On motion of Mr. Whitney, section 112, line 72, was amended by striking out "\$25" and inserting "ten dollars."

Mr. Mabry offered the following additional section, to come in at the end of the bill, which was adopted:

Provided, however, that neither the repeal of the revenue law of 1868, or any change or alteration thereof by this act, shall in any way impair any right acquired under the said revenue law of 1868.

Mr. Coon offered the following amendments, which were severally adopted:

Sec. 54, amend by adding after the word "thereon" in the tenth line, the following, viz:

"And shall have power, upon the application of the tax collector or any tax payer, to correct any error that may have been committed in making any alteration in the assessment book; and upon any such application the endorsement made upon the assessment list as provided by the preceding section shall be evidence of the valuation of the property embraced in said list."

Sec. 100, by adding:

"Provided, that any interlineation or change that may be made in the valuation of the property of any tax payer, by the board of equalization, shall be distinctly endorsed upon the said tax payer's assessment list at the time said change or alteration is made, which endorsement shall be signed by the pre-

siding officer of the board of equalization. Said change or alteration shall be made on the original assessment book by the probate judge.

Sec. 101, amend by inserting the following as sec. 101 :

"Sec. 101. Be it further enacted, That if at any time the board of equalization upon any examination of the assessor's returns should conclude that the valuation of any taxable property should be increased, the same shall not be increased without notifying the tax payer or his agent, in writing, to appear before said board upon some day therein named, not less than three days from the service of said notice, and show cause if any he can why such valuation should not be increased. This notice may be served by the tax collector, tax assessor, sheriff, coroner or any constable of the county, as the said board shall direct.

Sec. 124, amend by adding the following :

"That for the default of any officer named in this section, shall subject him to indictment for all, or any, or either of the defaults therein named ; and upon conviction shall be fined for each default not less than fifty dollars.

Thus amended, the bill was read a third time forthwith, under suspension of the constitutional rule, and passed.

Yeas 24, nays 1.

Those who voted in the affirmative, are—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Lambert, McAfee, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Pennington, Richards, Royal, Sanford, Sevier, Steward, Stow, Wise, Whitney and Worthy—24.

Mr. Oliver voted in the negative—1.

REPORT OF SELECT COMMITTEE

Mr. Worthy, from select committee, reported favorably to House bill—

To amend an act to vest in the Tennessee and Alabama Central railroad company certain lands granted by Congress to the State of Alabama, in trust, to aid in the construction of the Tennessee and Alabama Central railroad.

Consideration of which was postponed.

AGRICULTURAL COLLEGE BILL.

House bill—

To establish a college at Auburn, in Lee county, for the

benefit of agriculture and the mechanic arts, pursuant to an act of Congress, approved July 2, 1862, was taken up on its third reading.

Mr. Worthy moved to reconsider the vote by which Mr. Oliver's substitute was lost ;

Which motion was lost.

Bill was read a third time and passed.

Yeas 19, nays 5.

Those who voted in the affirmative are—

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Pennington, Richards, Royal, Sanford, Sevier, Stow, Wise, Whitney and Worthy.—19.

Those who voted in the negative are :

Messrs. Bromberg, McAfee, Miller, Oliver and Steward—5.

A motion was made to reconsider said vote ;

Which motion, on motion, was laid on the table.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
February 23, 1872. }

Mr. President :

The House has originated and passed bills as follows :

For the relief of the laborers and track hands of the A. & C. R. R. since the seizure of said road by the State.

To incorporate the Clanton Hook and Ladder company of Dadeville.

The House has passed the Senate bill :

To authorize and empower the mayor and council of the city of Selma to establish and provide a sinking fund for the payment of the principal and interest of the bonded debt of said city.

ELLIS PHELAN,
Clerk House of Representatives.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
February 23, 1872. }

Mr. President :

The House has originated and passed the following bill, and ordered it to the Senate without engrossment :

To amend certain sections of the Revised Code, viz : sec-

tions 3833, 3836, 3846, 3837, 2553, 3855, 3856, article 2, chapter 5, title 2, part 4.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
February 23, 1872. }

Mr. President :

The House has amended the amendment of the Senate to the House bill :

To enforce the collection of taxes from express companies, and as amended concurs in the same, and asks the concurrence of the Senate to the said amendment.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
February 23, 1872. }

Mr. President :

The House has adopted the following resolution :

Resolved by the House of Representatives, (the Senate concurring,) That the two Houses of the General Assembly adjourn *sine die* to-morrow, the 24th inst., at 12 o'clock m.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
February 23, 1872. }

Mr. President :

The House has originated and passed a bill :

Supplementary to an act to relieve and regulate the finances of the State.

ELLIS PHELAN,
Clerk House of Representatives.

Senate then took a recess until 4½ p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

ELECTION BILL.

Consideration was resumed of House bill—

To regulate elections in the State of Alabama.

The question recurred on Mr. Coon's motion to reconsider the vote by which section 33 was stricken out;

Said motion prevailed.

Yeas 16, nays 5.

Those who voted in the affirmative, are—

Messrs. Bromberg, Coon, Lambert, McAfee, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Richards, Royal, Sanford, Sevier, Stow, Whitney and Worthy—16.

Those who voted in the negative are :

Messrs. Barr, Farden, Foster, Oliver and Pennington—5.

Mr. Coon offered the following amendments, which were severally adopted :

Section 35, by striking out the words "any member" in the second line and insert the words, viz: "a majority."

Section 35, by adding at the end of the last line, "Provided, that such election shall not be delayed by such challenge, but that the inspectors shall proceed to receive other votes while the oath is being administered by the challengers, or one of them, as hereafter provided."

Section 36, by adding after the word "day" in the 7th line as follows, viz: "and upon taking such oath aforesaid, the ballot of such person shall be received by the board of inspectors and deposited as in other cases."

Section 38, by adding, "and if such person take such oath, then his vote shall be accepted as in other cases."

Section 40, by adding at end of third line the following, viz: "To especially enquire into all illegal voting, and also into any and all illegal acts committed by inspectors, returning officers, challengers, or other officers of elections within their respective counties or districts."

Section 40, by inserting after the word "circuit" the word "criminal."

Section 43, by adding after the word "supervisors," in the first line, the words "of elections."

Section 45, by inserting after the words "members of" in 3d line, the words "each house of."

Section 50, by inserting after the word "*supervisors*," the following, viz: "When the person whose election to such office is contested, was not eligible thereto at the time of such election."

Section 50, by striking out the word "third" in the 5th line and insert the word "fourth."

Section 50, by inserting after the word "*intimidation*" in the 6th line, the following, viz:

"Threats to discharge from employment."

Section 54, by inserting after the words "*this act*," in 2d line, the words "*except as hereinafter provided*."

Also, to amend said section by striking out "*thousand*" in last line, and inserting "hundred".

Section 70, by inserting after the words "*person is*" the word "*declared*."

Section 77, by inserting after the word "*section*" in the 3d line, the figures "50."

Section 81, by striking out the word "*five*" in the third line, and insert the word "*one*."

Section 80, by inserting after the words "*circuit court*" in 2d line, the following, viz: "And a trial *de novo* shall be held."

Also, insert in same line after the words chancery court, the words "on the record."

Section 100, by inserting after the word "*section*" in the 3d line, the figures "98."

Section 102, by adding the following at the end of the section, viz: "Provided, that as to contests pending at this time under said act of the 8th of October, 1868, that the said act shall continue to be of force and effect."

Amend section 33, by adding after the word "elector," in the 9th line, the following, to-wit:

"Provided, that each challenger who challenges a voter, shall at the close of the election for which he has been appointed or chosen, make out a written report of his challenges during the day, in which shall be stated the names of the voter challenged, a description of his person, and a brief statement of the reasons for which he has made the challenged, and the name or names of witnesses, if any, which report, when completed, shall be immediately submitted to the county solicitor, who is hereby authorized, and shall upon the reception of said report, swear said challenger to the contents therein contained, and require his signature to be affixed thereto.

Any person who shall knowingly make a false report against

any elector, shall be deemed guilty of perjury, and shall be punished as in other cases, for the same offences."

Mr. Miller moved to amend section 102 as follows;

Which was laid on the table:

That all laws, special and general, heretofore enacted in relation to elections in this State, be, and the same are hereby repealed.

Mr. Oliver moved to amend section 37, by striking out the words "each political party;"

Which motion was lost.

On motion of Mr. Worthy, said section was amended, by inserting the words "if practicable," after the word "party."

Bill was then read a third time forthwith, under suspension of the constitutional rule, and passed;

Yeas 17, nays 2.

Those who voted in the affirmative, are—

Messrs. Bromberg, Buckley, Coon, Farden, Foster, Glass, Lambert, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Pennington, Richards, Sanford, Sevier, Steward and Whitney—17.

Those who voted in the negative, are—

Messrs. McAfee and Worthy—2.

Senate resumed consideration of
House bill—

To amend an act to vest in the Tennessee and Alabama Central Railroad Company, certain lands granted by Congress, in trust, to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central Railroad.

The question recurred on the substitute of Mr. Martin of Tuscaloosa.

On motion of Mr. Pennington, said substitute was laid on the table.

Yeas 13, nays 9.

Those who voted in the affirmative, are—

Messrs. Barr, Buckley, Farden, Foster, Glass, Lambert, Mabry, Martin of Russell, Oliver, Pennington, Richards, Steward and Stow—13.

Those who voted in the negative, are—

Messrs. Bromberg, Coon, McAfee, McIntosh, Martin of Tuscaloosa, Royal, Sanford, Sevier and Worthy—9.

Mr. Martin of Tuscaloosa, moved to lay the bill on the table;

Which motion was lost.

Bill was then read a third time forthwith, under suspension of the constitutional rule and passed.

Yeas 14, nays 3.

Those who voted in the affirmative are—

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Lambert, McAfee, Martin of Russell, Mabry, Oliver, Pennington, Sanford and Stow—14.

Those who voted in the negative are—

Messrs. Bromberg, Martin of Tuscaloosa, and Worthy—3.

To authorize the sale of the swamp and overflowed lands of the State to the Mobile & Northwestern railroad company, upon the terms therein stated ;

Was taken up.

Mr. Lambert moved to lay the bill and amendments on the table ;

On motion of Mr. Bromberg, the amendments were laid on the table.

Which motion was lost.

Mr. Worthy moved to indefinitely postpone the bill ;

Which motion was lost.

Mr. Whitney moved to reconsider the vote by which Mr. Worthy's amendment was adopted on Monday night.

APPEAL.

Mr. Worthy appealed from the decision of the chair, (Mr. Barr in the chair,) which decided that after notice to reconsider had been given by any member entitled to give such notice, and the same has been entered on the journal, then any member can afterwards move to reconsider.

And the question being, " Shall the decision of the chair be sustained ?" the chair was sustained ;

Yeas 14, nays 7.

Those who voted in the affirmative, are—

Messrs. Bromberg, Buckley, Coon, Farden, Glass, McIntosh, Mabry, Martin of Russell, Pennington, Richards, Royal, Sevier, Steward and Whitney—14.

Those who voted in the negative, are—

Messrs. Foster, Lambert, McAfee, Martin of Tuscaloosa, Oliver, Stow and Worthy—7.

Mr. Whitney's motion to reconsider was carried.

Mr. Worthy's amendment was laid on the table.

Mr. Worthy offered the following amendment ;

Which was laid on the table.

Section —. Be it further enacted, That before the within transfer of swamp and overflowed lands shall take place, and as a condition precedent to the consummation of this sale, the subject shall be submitted for ratification by the the qualified voters of the respective counties in which the said lands are located ; and if a majority of the qualified voters shall vote for the sale, the governor of Alabama be, and he is hereby authorized to make a good and lawful claim to said lands to said railroad company ; but if a majority of the qualified voters vote against said transfer, then this act shall be, and the same is hereby declared null and void.

Mr. Worthy offered the following amendment ;

Which was laid on the table :

Provided, That nothing in this act shall be so construed as to prevent the issuance of patents to all parties who have purchased any portions of said lands to date. But said sales are hereby confirmed, and patents shall issue on the same from the State, where parties have in good faith made such entries and purchases.

Mr. Worthy offered the following amendment ;

Which was laid on the table :

Be it further enacted, That in the future sale and disposal of these lands, no discrimination shall be made by said railroad company on account of race, color or previous condition.

Mr. Worthy offered the following amendment ;

Which was laid on the table :

Provided, Said railroad company to whom said swamp and overflowed lands shall be thus sold shall have no claim upon the lands heretofore sold or disposed of according to law, nor shall they have any claim upon any money now in the State treasury, or which may be due by or from any person who may have heretofore purchased any of said lands.

Senate refused to suspend the constitutional rule, in order to give the bill a third reading forthwith.

Bill was ordered to a third reading at 11 o'clock to-morrow, for which hour it was made special order.

BILLS INTRODUCED.

By Mr. Martin of Tuscaloosa—

To aid the construction of the Columbus, Fayette & Decatur railroad ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. McIntosh—

To repeal an act in relation to the issue of county bonds to aid in the construction of railroads ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

Senate bill—

Supplementary to an act to relieve and regulate the finances of the State ;

Was read a third time and passed ;

Yeas 13, nays 6.

Those who voted in the affirmative, are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Lambert, Mabry, Martin of Tuscaloosa, Pennington, Richards, Steward and Worthy—13.

Those who voted in the negative, are—

Messrs. Buckley, McAfee, McIntosh, Oliver, Sevier and Whitney—6.

APPEAL.

Mr. McAfee appealed from the decision of the chair (Mr. Barr in the chair.) which decided said bill had passed, although not receiving a two-thirds vote of those present and voting.

And the question being, "Shall the decision of the chair be sustained?" the chair was sustained ;

Yeas 11, nays 7.

Those who voted in the affirmative are—

Messrs. Coon, Farden, Foster, Glass, McIntosh, Pennington, Richards, Sevier, Steward and Worthy—11.

Those who voted in the negative are—

Messrs. Bromberg, Buckley, Lambert, McAfee, Martin of Tuscaloosa, Oliver and Whitney—7.

Senate then adjourned until 10½ o'clock to-morrow morning.

SIXTY-FOURTH DAY.

SATURDAY, February 24, 1872.

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Dr. Wadsworth, of this city.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Buckley, Bromberg, Coon, Farden, Foster, Glass, Jones, Lambert, McAfee, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Steward, Stow, Wise, Whitney and Worthy—26.

READING OF JOURNAL.

Reading of the journal was dispensed with.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced:

By Mr. Sanford—

To re-district the State into seven congressional districts;

Which bill was read twice forthwith, under suspension of the constitutional rule, and made special order for 1 o'clock p. m. to-day.

By Mr. McAfee—

To confer certain authority upon the "Alabama Detectives."

Which bill was read twice under suspension of the constitutional rule.

Mr. Coon moved to lay the bill on the table;

Which motion was lost.

Bill was made special order for 12 o'clock on Monday next.

By Mr. Martin of Tuscaloosa—

To relieve widows over 45 years of age, from taxation in certain cases;

Was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on finance and taxation.

By Mr. Mabry—

To prescribe the duties of county solicitors ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and ordered to a third reading.

By Mr. Farden—

For the relief of A. J. Green of Coffee county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Bromberg —

For the relief of Robert Townsend Dade, Charles Townsend Dade and Harry Mitchell Dade, minor children of Robert T. Dade, deceased, of Mobile county ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Bromberg—

Supplementary to an act to encourage the investment of money in this State, by life insurance companies of other or foreign States ;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

By Mr. Coon—

To amend the second section of an act to amend section 11 of an act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State ;

Which bill was read twice forthwith, under suspension of the constitutional rule, and referred to the committee on internal improvements.

SPECIAL ORDER.

At 11 o'clock, the special order set for that hour came up, it being

House bill—

To authorize the sale of the swamp and overflowed lands of the State to the Mobile and North-western Railroad company.

Mr. Worthy moved to amend by engrossed rider, as follows :

That the provisions of this bill shall attach and alike apply

to the road known as the Troy and Elba branch of the Vicksburg and Brunswick Railroad from Troy in the direction of Mobile, now known as the Pensacola and Columbus Railroad; and said branch road shall alike participate and become a joint purchaser with the railroad company herein named, on the condition, that they shall be alike bound with said company, and equally and alike comply with all the conditions herein contained.

On motion of Mr. Bromberg, said amendment was laid on the table.

Bill was then read a third time and passed;

Yeas 17, nays 8.

Those who voted in the affirmative are:

Messrs. Barr, Bromberg, Buckley, Farden, Foster, Glass, McIntosh, Mabry, Martin of Russell, Martin of Tuscaloosa, Pennington, Richards, Royal, Sevier, Steward, Wise and Whitney—17.

Those who voted in the negative are:

Messrs. Coon, Lambert, McAfee, Mahan, Oliver, Sanford, Stow and Worthy—8.

Mr. Whitney moved to reconsider said vote;

Which motion, on motion of Mr. Barr, was laid on the table.

House bill—

To amend certain sections of the Revised Code, viz: 3833, 3834, 3836, 3837, 3853, 3855, and 3856, article 2, chapter 5, title 2, part 4;

Was then read three times forthwith, under suspension of the constitutional rule, and passed.

SPECIAL ORDER.

Senate bill—

To re-district the State into seven congressional districts;
Was taken up as special order for 1 o'clock.

Mr. Farden offered a substitute;

Mr. McIntosh moved to lay the bill and substitute on the table.

A division being called for, the vote was first taken on laying the substitute on the table;

Which motion was carried.

Senate refused to lay the bill on the table.

CONCURRENCE.

Senate concurred in the amendments of the House to the substitute of the Senate for

House bill—

To enforce the collection of taxes from Express companies.

House bill—

To provide a sinking fund for the redemption of the State debt ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

Yeas 19, nays 1.

Those who voted in the affirmative are :

Messrs. Bromberg, Buckley,, Coon, Farden, Glass, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin of Russell, Martin of Tuscaloosa, Pennington, Richards, Sanford, Sevier, Steward, Stow, Whitney and Worthy—19.

Mr. Oliver voted in the negative—1.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
February 24, 1872. }

Mr. President :

The House has adopted joint resolution to pay certain witnesses therein named.

The House has originated and passed a bill,

In relation to the agricultural and mechanical college of Alabama.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
February 24, 1872. }

Mr. President :

The House has passed the Senate bill,

To establish a criminal court in the county of Russell, with criminal and civil jurisdiction.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the Governor :

Mr. President :

I am directed by His Excellency the Governor to inform you that he has approved the following bills originating in the Senate, viz :

To authorize and empower the mayor and council of the city of Selma to establish and provide a sinking fund for the payment of the principal and interest of the bonded debt of said city.

For the relief of Mrs. Hannah S. Pate of Coosa county.

For the relief of Mrs. Nancy Vardeman of Coosa county.

To authorize Wm. O. Baldwin of Montgomery county to take out letters of guardianship of the person and property of Wm. O. Baldwin, late of Montgomery county, and Celia Baldwin, late of Bullock county, deceased.

February 24, 1872.

Respectfully,

W. V. CHARDAVOYNE.

Mr. McAfee presented the following

PROTEST.

I protest against and object to the passage of a bill to be "entitled an act to authorize the sale of the swamp and overflowed lands to the Mobile and Northwestern Railroad Company on the terms therein stated," for reasons as follows, to-wit :

1. It is impolitic to dispose of the lands or any part of the same in the manner therein stated.

2. To sell lands at two, or even ten cents per acre, is in effect, an evasion of the condition of the donation of said lands by the Federal Government—in this, that there would not be as much money, scarcely, as would pay the expenses of the registers and receivers of the officers of the land districts within which they are situated ; and secondly, to evade the constitutional requirement of a vote on the final passage of the bill of a two-third majority.—Constitution of Alabama, Art. 4, § 32.

3. Two cents per acre does not amount to more than one-twentieth part of one pine tree at 40 cents per tree. We are informed, valuable cypress timber grow on many of the lands, and on other of the lands valuable pine timber grow. The proposition is ridiculously absurd to sell said lands for two cents per acre.

4. The proposition in the bill is, to appropriate these swamp lands to a railroad running some thirty miles in Alabama, from the city of Mobile, and through the State of Mississippi to a point in the State of Arkansas. To do so, would not be a compliance with the provisions of the act of Congress donating the same to Alabama. I urge this as my fourth objection.

5. My next objection to the bill is, that the proposition to pay two cents per acre is to evade the necessity of a two-thirds vote on the final passage of the bill.—Article 4, § 32 of the Constitution of Alabama.

G. T. McAFEE,

Senator 10th District, Alabama.

Mr. Martin of Tuscaloosa presented the following

PROTEST.

The undersigned, representing the ninth Senatorial district upon the floor of the Senate of Alabama, hereby respectfully protests against the action of the Senate, in passing a bill to be entitled an act to amend an act to vest in the Tennessee and Alabama Central railroad company certain lands granted by Congress in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central railroad, and assigns the following reasons why said bill should not have passed :

1. The purposes and objects intended to be accomplished by the bill are not set forth in the caption thereof. The real purpose of the bill is, to have appropriated to the South and North Alabama railroad, certain lands granted by Congress in "an act granting public lands, in alternate sections, to the State of Alabama to aid in the construction of certain railroads in said State," approved June 3d, 1856.

Section 6 of said act, after providing a grant of lands to the Central railroad, (now incorporated into said South and North Alabama railroad), makes further provision, as follows : and that alternate sections of the public lands to the same extent and in the same manner, and upon the same limitations and restrictions in every respect, shall be and is hereby made to aid in the construction of the roads in said State mentioned in this act ; Provided, that the lands hereby granted to said State for the purpose of constructing a railroad from the north-east to the south-western portion of said State, lying

north-west of Elyton, shall be assigned to such road as may be designated by the legislature of said State."

The lands mentioned, I maintain, were not designed by Congress to be donated to roads already provided for. They were intended to aid in the construction of a road not then chartered, or for which provision has been made.

2. The effect of this "act" of the General Assembly will be, to divert the donation from its proper legitimate direction and prevent those who are, or may be entitled thereto, from deriving that aid which the Congress of the United States purposed to provide.

3. Because the appropriation contemplated by the "act," is plainly in contravention of the spirit of the law making the donation.

4. Because no reason or just ground existed for the designation by the legislature of the South and North Alabama railroad, as the recipient of the donation referred to. Said road receives State indorsement to the extent of \$22,000 per mile, being \$6,000 per mile greater in amount than is received by any other road in the State. I have also reason to believe, (upon what I conceive to be reliable information,) that the South and North Alabama railroad could not be built, even with the extraordinary aid given it by the State, *and has actually passed into the hands of a foreign corporation.*

5. Because the effect of this designation of said road as recipient of the grant, will operate as an insuperable obstacle to the efforts of the people, (residing in the counties contiguous to the line indicated in section 6 of the act of Congress,) to successfully construct a line of railroad for the development of the territory indicated.

6. Because the object sought to be accomplished by the passage of the "act," as asserted by its friends in the Senate, to-wit: the mere acceptance by the State of the grant of lands for said South and North Alabama railroad, was wholly unnecessary, since the Congress of the United States had made the donation to said road *eo nomine*, in an act entitled "an act to renew certain grants of land to the State of Alabama," approved March 3d, 1871.

JOHN M. MARTIN.

Senate Chamber, February 24, 1872.

Senate then took a recess until 7½ p. m.

NIGHT SESSION.

Senate met pursuant to adjournment.

House bill—

To restrain the tax collector of Barbour county from collecting excessive taxes from William P., John C. and Henry C. Copeland, Charles Burris, Mrs. Jane Carver and Dr. E. S. E. Bryan, all of the city of Eufaula, for the year 1871;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

INTRODUCTION OF BILLS.

By Mr. Oliver—

To regulate the charge for fare and freights on the railroads in this State;

Which bill was read twice forthwith, under suspension of the constitutional rule, and passed.

By Mr. Martin of Russell—

For the relief of Early Horn;

Which bill was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To exempt the Columbus, Fayette and Decatur railroad from taxation;

Was read twice forthwith, under suspension of the constitutional rule.

Mr. Mabry moved to amend by striking out "twenty years" and inserting "five years;"

Which motion was lost.

Bill was then read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

Requiring the justices of the peace of Clay and Blount counties to act as apportioners and supervisors of public roads;

Was taken from the table and read a third time and passed.
Report of a standing committee—

FINANCE AND TAXATION.

Mr. Coon, from the committee on finance and taxation, reported favorably, with amendments, to House bill—

To establish additional revenue laws for the State of Alabama, applicable alone to Dallas county;

Which amendments were adopted, and the bill read a third time forthwith, under suspension of the constitutional rule, and passed.

GRIEVANCES AND DISABILITIES.

Mr. Oliver, from the committee on grievances and disabilities, reported favorably to Senate bill--

To authorize Zachariah Rogers, of Macon county, to peddle without license.

On motion of Mr. Stow, the words "in this State" were stricken out, and the words "in Macon county" were inserted.

Bill was then read a third time forthwith, under suspension of the constitutional rule, and passed.

REPORT OF SELECT COMMITTEE.

Mr. Farden, from select committee, reported favorably to Senate bill--

To amend the charter of the Wetumpka insurance company;

Bill was laid on the table for the present.

Senate resumed consideration of

Senate bill--

To re-district the State into seven congressional districts.

Mr. Farden moved to strike out Elmore county from the third district;

Which motion was laid on the table.

Mr. Farden moved to indefinitely postpone the whole subject.

On motion of Mr. Barr, the bill was laid on the table--- Yeas 14, nays 6.

Those who voted in the affirmative are:

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Jones, Lambert, McIntosh, Martin of Tuscaloosa, Pennington, Richards, Royal and Sevier--14.

Those who voted in the negative, are--

Messrs. Bromberg, McAfee, Mabry, Sanford, Whitney and Worthy--6.

House bill--

In relation to the Agricultural and Mechanical College of Alabama;

Was read twice forthwith, under suspension of the constitutional rule.

Mr. Farden moved to amend as follows :

" That the funds arising from the sale of such lands donated by congress shall be divided between the white and colored people *pro rata*, according to population respectively."

Which amendment was laid on the table.

Mr. Farden moved to amend as follows :

" That said treasurer shall only receive, and the auditor of State shall only draw his warrant for such share as shall be found to be due said college according to population *pro rata*, both white and colored."

Which amendment was laid on the table.

Bill was read three times forthwith, under suspension of the constitutional rule, and passed.

Report of a standing committee :

PRINTING.

Mr. Farden, from the committee on printing, reported favorably to

House joint resolution on the publication of the laws ;

Which joint resolution was read a third time forthwith, under suspension of the constitutional rule, and adopted.

STATEMENT.

Mr. Martin of Tuscaloosa presented the following statement :

The undersigned, a member of the Senate of Alabama, upon the passage of the bill to provide an election law for the State, voted in the affirmative, because he felt it of the last importance that electors should be punished for voting more than once, as allowed by law, at an election. He approved the bill as reported by the joint committee of both houses, and desired its passage, but did not approve of the bill after its amendment by the Senate, and only accepted of the amended bill as the best he could get from the Senate.

J. M. MARTIN.

Senate resumed consideration of

Senate bill---

To reimburse the State of Alabama for moneys paid out on account of interest on the indorsed bonds of the Alabama and Chattanooga railroad company, &c.

Mr. Bromberg offered the following amendment, which was adopted :

" Be it further enacted, That this act shall not be so con-

strued as to be a legal ratification of any bonds indorsed or loaned by the State to said Alabama and Chattanooga railroad company, in the event that any portion of said bonds shall be declared by courts of competent jurisdiction to be obligations not binding on the State."

Pending consideration of said bill—

Senate adjourned until 10 $\frac{1}{4}$ o'clock to-morrow morning.

SIXTY-FIFTH DAY.

MONDAY, February 26, 1872

Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Sanford of the Senate.

ROLL CALL.

The call of the roll was dispensed with.

READING OF THE JOURNAL.

Journal of Saturday was read and approved.

RESOLUTION.

Mr. Jones offered the following resolution ;

Which was adopted :

Resolved by the Senate, That the auditor be, and he is hereby authorized and required to draw his warrant on the State treasurer, in favor of H. C. Sanford, for the sum of two hundred and ten dollars, for services as president *pro tem.* of the senate during the present session of the general assembly.

House bill—

To provide for an apportionment of representatives to Colbert county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To regulate the return of elections in Colbert county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To provide a tract book for Lauderdale county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize Caroline Preston to sell certain lands ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

Senate bill—

To provide for the disposal of the funds arising from the sale public lands donated by congress to the State of Alabama for the benefit of agriculture and the mechanic arts ;

Was read a third time and passed ;

Ordered forthwith to the house, from which it was afterwards recalled.

House bill—

In relation to mechanics' lien in the State of Alabama ;

Was taken up on its second reading.

Senate refused to suspend the constitutional rule in order to give the bill a third third reading forthwith.

House bill—

To extend to the fire companies of the city of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the fire companies of the city of Mobile ;

Was read a third time and passed ;

Yeas 20, nays 5.

Those who voted in the affirmative, are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Jones, Lambert, McIntosh, Mabry, Mahan, Martin of Russell, Miller, Pennington, Royal, Sanford, Sevier, Steward, Whitney and Worthy—20.

Those who voted in the negative, are—

Messrs. Buckley, McAfee, Martin of Tuscaloosa, Oliver and Stow—5.

Senate bill—

To reimburse the State for moneys paid out on account of interest the indorsed bonds of the Alabama & Chattanooga railroad company, &c. ;

Was taken up.

Mr. Martin of Tuscaloosa offered sundry amendments ;

Which were severally adopted.

Senate refused to suspend the constitutional rule in order to give the bill a third reading.

Bill was ordered to a third reading.

Report of a standing committee :

JUDICIARY.

Mr. McAfee, from the judiciary committee, reported favorably to

Senate bill—

To detach Shelby county from the 10th judicial circuit, and attach it to the 3d judicial circuit, and to regulate the time of holding the courts therein.

Bill was laid on the table.

House bill—

Supplementary to an act to relieve and regulate the finances of the State ;

Was read twice forthwith, under suspension of the constitutional rule.

Mr. Farden moved to strike out "six hundred thousand dollars" and insert "one million dollars."

On motion of Mr. Barr—

The bill and amendment were laid on the table ;

Yeas 12, nays 7.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Buckley, McAfee, Mahan, Martin of Russell, Martin of Tuscaloosa, Miller, Oliver, Richards, Sanford and Whitney—12.

Those who voted in the negative are :

Messrs. Coon, Farden, Glass, McIntosh, Mabry, Pennington and Steward—7.

Message from the House :

HOUSE OF REPRESENTATIVES,
February 26, 1872. }

Mr. President :

The House has passed Senate bills as follows :

To authorize Moody H. May, as the administrator of the estate of Robert Carlisle, deceased, to sell certain real estate belonging to said estate situated in the county of Baker.

To authorize Samuel H. Hardwick, of Montgomery county, to sign certain conveyances.

For the relief of A. J. Greene, of Coffee county.

For the relief of M. Louise Thornton, of Colbert county.

To require notaries public in the counties of Clay and Coosa to try all civil causes brought before them in the beat

in which the defendant, or one of several defendants resides.

To authorize John Austin, of Morgan county, to sell at private sale the interests of Mary Austin and Jane Edwards in the estate of Isaac Edwards, deceased.

To amend subdivision 7 of section 112 of the revenue law of 1868.

Requiring the secretary of State to distribute Smith's Condensed Reports.

To protect the State in its liability on account of railroads.

To pay J. B. Johns for work done in repairing furniture for both houses of the general assembly.

To invite and procure immigration to the State of Alabama.

The House concurs in the amendments of the Senate to the House bill—

To regulate elections in the State of Alabama.

The House has passed Senate bill—

To aid the construction of the Columbus, Fayette & Decatur railroad.

And has originated and passed a bill :

Reorganizing congressional districts in this State ;

And has ordered same forthwith to the Senate without engrossment.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
February 26, 1872. }

Mr. President :

The House has passed Senate bill—

To repeal section 51 of an act to establish a new charter for the city of Selma, approved December 4th, 1868.

ELLIS PHELAN,
Clerk House Representatives.

Messages from the House :

Mr. President :

The House has originated and passed a bill entitled an act—

To repeal an act for sale of swamp and overflowed lands of the State of Alabama, and for other purposes.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
February 26, 1872. }

Mr. President :

The House has originated and passed a bill—

To authorize the commissioners court of Pike county to collect a tax to pay bridge claims, if in their opinion it is necessary.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the House :

HOUSE OF REPRESENTATIVES, }
February 26. 1872. }

Mr. President :

The House has originated and passed bills as follows :

To repeal an act entitled an act to fix the time and place of holding the chancery court in the district composed of the counties of Barbour, Henry and Dale, of the eastern chancery division, approved February 19, 1872.

To supply the county of Lauderdale with a tract book of said county.

To authorize the holding of a special term of the chancery court of the county of Morgan.

ELLIS PHELAN,
Clerk House of Representatives.

Senate took a recess until 4 P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

House bill—

To amend an act to amend an act, to incorporate the Montgomery and Pickett Springs Gravel Road Company ;

Was read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To repeal an act to fix the time of holding the chancery

court in the district composed of the counties of Barbour, Henry and Dale, approved February 19, 1872 :

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To incorporate the hook and ladder company of Dadeville ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To authorize the removal of the administration of the estate of Caroline Goree, and Willis Maxwell ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the relief of William L. Mims, of Monroe county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To repeal an act for the sale of the swamp and overflowed lands of the State of Alabama, and for other purposes ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

To regulate the fees of notaries public and justices of the peace in Wilcox county, and to provide for their payment in certain cases ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

House bill—

For the relief of Lavina Miller, of Coffee county ;

Was read three times forthwith, under suspension of the constitutional rule, and passed.

Senate bill—

To confer certain authority upon the "Alabama detectives ;"

Was ordered to a third reading.

REPORT OF A SELECT COMMITTEE.

Mr. Farden, from select committee, reported favorably, with amendment, to

House bill—

For the relief of the Board of Regents ;

Which amendment was adopted, and the bill read a third

time forthwith, under suspension of the constitutional rule, and passed.

Ordered forthwith to the House.

Mr. Mahan gave notice that he would move to reconsider the vote by which said bill was ordered forthwith to the House.

House bill—

Reorganizing congressional districts in this State ;

Was read twice forthwith, under suspension of the constitutional rule.

Senate refused to lay the bill on the table.

Also, refused to suspend the constitutional rule, in order to give the bill a third reading forthwith.

Bill was ordered to a third reading.

Report of standing committees :

PUBLIC BUILDINGS AND INSTITUTIONS.

Mr. Worthy, from the committee on public buildings and institutions, reported adversely, to

Senate joint resolution for the removal of the seat of government to Birmingham.

FINANCE AND TAXATION.

Mr. Sanford, from the committee on finance and taxation, reported favorably to

Senate bill—

For the relief of the sureties of Simon D. Wilson of Pike county ;

Which bill was read a third time forthwith, under suspension of the constitutional rule and passed.

House bill—

To incorporate the town of Waterloo, Lauderdale county ;

Was read a third time forthwith, under suspension of the constitutional rule, and passed.

RECONSIDERATION.

On motion of Mr. Cliver, Senate reconsidered the vote by which the constitutional rule failed to be suspended in order to give a third reading forthwith, to

House bill—

In relation to mechanics lien in the State of Alabama ;
Constitutional rule was then suspended, and the bill was
read at hird time and lost ;

Yeas 10, nays 11.

Those who voted in the affirmative are :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass,
McIntosh, Mabry, Miller and Whitney—10.

Those who voted in the negative are :

Messrs. Jones, McAfee, Mahan, Martin of Tuscaloosa, Oliver,
Pennington, Richards, Royal, Sevier, Worthy and Mr. Presi-
dent—11.

RESOLUTION.

Mr. Mabry offered a resolution proposing that the two
houses adjourn *sine die* at 10 o'clock to-night ;

Which was adopted and ordered forthwith to the House.

Messages from the House :

HOUSE OF REPRESENTATIVES, }
February 23, 1872. }

Mr. President :

The House concurred in Senate amendment to House bill—

To establish revenue laws for the State of Alabama, appli-
cable alone to Dallas county.

And has adopted Senate resolution to adjourn *sine die* at
10 o'clock to-night.

Also, resolution to appoint a committee to wait on the Gov-
ernor. Committee on the part of the House, Messrs. Lewis,
Hewitt and McCall.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
February 26, 1872. }

Mr. President :

The House has passed the Senate bill—

For the relief of Robert Townsend Dade, Charles Town-
send Dade, and Henry Mitchell Dade, minor children of Robt.
T. Dade, deceased, late of Mobile county.

ELLIS PHELAN,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
February 26, 1872. }

Mr. President :

I herewith return to the Senate, as requested by the Senate, the bill—

Providing for the disposal of the funds arising from the sale of the public lands donated by Congress to Alabama for the benefit of agriculture and the mechanic arts.

ELLIS PHELAN,
Clerk House of Representatives.

Message from the Governor :

Mr. President :

I am directed by His Excellency the Governor to inform you that he has approved the following acts, originating in the Senate, viz :

An act authorizing and in relation to certain aid, to be given by the county of Montgomery, on conditions in said act stated, to a road to be incorporated and known as the "Montgomery County Railroad Company."

An act to repeal section 51 of an act "to establish a new charter for the city of Selma," approved December 4, 1868.

An act to protect the State in its liability on account of railroads.

An act to invite and procure immigration to the State of Alabama.

An act to require notaries public in the counties of Clay and Coosa to try all civil cases brought before them in the beat in which the defendant, or one of several defendants, resides.

An act to amend subdivision seven of section one hundred and twelve of the revenue law of 1868, approved December 31, 1868.

An act to establish a criminal court in the county of Russell, with criminal and civil jurisdiction.

An act to authorize John Austin of Morgan county to sell at private sale the interest of Mary Austin and Jane Edwards in the estate of Isaac Edwards, deceased.

An act to authorize Samuel H. Hardwick of Montgomery county to sign certain conveyances.

An act to amend first and second sections of an act entitled "an act to incorporate the South & North Alabama Railroad company."

An act for the relief of A. J. Green of Coffee county.

To authorize Moody H. May, as the administrator of the estate of Robert Carlisle, deceased, to sell certain real estate belonging to said estate, situated in the county of Baker, in the State of Alabama.

An act for the relief of Mrs. M. Louise Thornton of Colbert county.

Also, joint resolution to pay J. B. Johns for work done in repairing furniture for both houses of the general assembly.

And joint resolution requiring the secretary of State to distribute Smith's Condensed Reports.

Respectfully,

W. V. CHARDAVOYNE,
Secretary.

Mr. President :

I am directed by the Governor to inform you that he has approved the following act, originating in the Senate :

An act to aid the construction of the Columbus, Fayette & Decatur Railroad.

Respectfully, &c.,

W. V. CHARDAVOYNE,
Secretary.

February 26, 1872.

Mr. President :

I am instructed by His Excellency the Governor to inform you that he has approved the following acts originating in the Senate, viz :

An act for the relief of Robert Townsend Dade, Charles Townsend Dade and Henry Mitchell Dade, minor children of Robert T. Dade, late of Mobile county, deceased.

W. V. CHARDAVOYNE.

February 26, 1872.

House joint resolution—

To pay certain witnesses (in the Elliott investigation) ;

Was read three times forthwith, under suspension of the constitutional rule, and adopted.

RESOLUTION.

Mr. Foster offered the following resolution, which was adopted :

Resolved, That the secretary of the Senate be authorized to have half-bound, one hundred copies of the journals of the Senate and House of Representatives, during the present session of the general assembly, one copy of which, when ready, shall be forwarded by the secretary of State to each member of the Senate, and the balance to be retained in the office of secretary of State for the use of the Senate when in session hereafter; said account to be certified by the secretary of the Senate.

Mr. Pennington offered the following resolution, which was adopted unanimously:

Resolved, That the president of the Senate and the secretary of the Senate are hereby authorized and required to issue the usual certificates to the regularly elected and appointed officers of the Senate, during the recess commencing on the 19th of December, 1871, and ending January 10, 1872.

Mr. Pennington offered a resolution proposing a joint committee of the two houses to wait upon the Governor and inform him that the two houses are now ready to adjourn, and to inquire whether he has any further communication to make;

Which resolution was adopted.

Messrs. Pennington and Farden were appointed the committee on the part of the Senate, under said resolution.

Mr. Pennington offered the following resolution, (Mr. Worthy in the chair,) which was adopted unanimously by a rising vote:

Whereas, the Senate branch of the Alabama legislature is now about to adjourn *sine die*, probably for the last time during its official existence; and whereas, before this final adjournment, we desire to give some expression of our feelings relative to the deportment of our presiding officer, Lt. Gov. Moren, therefore—

Be it resolved, That it is the unanimous declaration of the Senate, that Lt. Gov. Moren, president of the Senate, has discharged his duties as presiding officer of this body, at all times with dignity, impartiality and entire fairness, and in taking this last leave of him as our presiding officer, he carries to his home and retirement our best wishes for his future prosperity, welfare and happiness.

Mr. Jones offered the following resolution, which was adopted unanimously by a rising vote:

Resolved, That the thanks of the Senate are extended to

the Hon. Henry C. Sanford for the able and impartial manner he presided in the Senate as the presiding officer *pro tem*.

On motion, a committee of two was appointed to notify Lt. Gov. Moren and Mr. Sanford of the passage of said resolutions;

And Messrs. Pennington and Coon were appointed.

Lt. Gov. Moren and Mr. Sanford were escorted to the president's stand, when they responded in a few appropriate and feeling remarks.

Mr. Farden offered the following resolution, which was adopted unanimously by a rising vote:

Resolved, That the thanks of this Senate are hereby tendered to M. P. Blue, Esq., the able and efficient secretary, and to all his assistants, for the faithful manner in which they have discharged their various, laborious and difficult duties.

REPORT OF A SELECT COMMITTEE.

Mr. Coon, from select committee to investigate certain matters contained in the last report of the Superintendent of Public Instruction, submitted a majority report.

Mr. Bromberg submitted a minority report.

Neither report was read or acted on.

RESOLUTION.

W. Whitney offered the following resolution, which was adopted:

Be it resolved by the Senate of Alabama, That the president and secretary of the Senate be, and they are hereby authorized and required to certify the account of Charles O. Whitney, chairman of the Senate special committee to investigate condition and management of the Alabama and Chattanooga railroad, for the sum of eleven hundred and sixty-six dollars, to pay witnesses summoned before said committee.

Senate took a recess until 8½ o'clock p. m.

NIGHT SESSION.

Senate met pursuant to adjournment.

There being no quorum present, a recess was taken until 9½ o'clock.

After recess, Senate was called to order.

Messages from the House;

HOUSE OF REPRESENTATIVES, }
February 26, 1872. }

Mr. President :

The House concurs in the amendment of the Senate to the House bill :

To establish additional revenue laws of the State.

ELLIS PHELAN,
Clerk House of Representatives.

House bill—

Requiring the sureties on the official bonds of the county officers of Elmore county to reside in said county ;

Was taken from the table, read a third time forthwith, under suspension of the constitutional rule, and passed.

House bill—

To provide for the pay of the laborers and track hands on the Alabama and Chattanooga railroad since the seizure of the road by the State;

Was read a first time.

Pending its consideration—

At 10 o'clock Lt. Governor Moren, President of the Senate, in accordance with the joint resolution of the two Houses of General Assembly, adopted to-day, declared the Senate adjourned *sine die*.

E. H. MOREN,
President of the Senate.

Attest—

M. P. BLUE, Secretary of Senate.

HOUSE BILLS LOST IN THE SENATE.



LAI D ON THE TABLE.

To repeal an act incorporating the town of Fayetteville, in Talladega county.

To repeal an act to suppress murder, lynching and assaults and batteries, so far as the same relates to the counties of Mobile and Pike.

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28th, 1868, so far as it relates to the counties of Jackson and DeKalb.

To repeal "an act to suppress murder, lynching, and assaults and batteries," approved December 28th, 1868, so far as it relates to the county of Madison.

To repeal an act to suppress murder, lynching and assaults and batteries, so far as the same relates to Greene county.

To repeal an act entitled "an act to suppress murder, lynching and assaults and batteries," approved December 28th, 1868, so far as the same relates to the counties of Butler and Clay.

To repeal an act to suppress murder, lynching and assaults and batteries, so far as it relates to the county of Marion.

To repeal an act to suppress murder, lynching and assaults and batteries, in so far as it relates to the counties of Morgan and Winston.

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28th, 1868, so far as the same applies to the counties of Marshall and Butler.

To repeal an act entitled an act to suppress murder, lynching and assaults and batteries, approved December 28th, 1868, so far as the same relates to the county of St. Clair.

To repeal an act to suppress murder, lynching and assaults and batteries, so far as it relates to the counties of Limestone, Cherokee and Lauderdale.

To repeal an act for the suppression of secret organizations

of men disguising themselves for the purpose of committing crimes and outrages, approved December 28th, 1868, so far as relates to the counties of Jackson, DeKalb, Covington, Crenshaw and Cherokee.

To repeal an act entitled an act to suppress murder, lynching and assaults and batteries, approved December 28th, 1868, so far as relates to the counties of Cleburne, Fayette, Sanford, Lawrence and Henry.

To amend sub-division 7 of section 112 of "an act to establish revenue laws for the State of Alabama," approved 31st December, 1868.

To keep the school funds separate from the other funds of the State.

To amend section first of an act entitled "an act to enable the commissioners court of St. Clair, Walker and Choctaw counties respectively, to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties," approved February 7th, 1871.

To repeal an act entitled an act for the relief of laborers and employees.

To amend sub-division 16 of section 3 of an act to establish revenue laws for the State of Alabama, approved December 31st, 1868.

To repeal an act entitled an act to authorize the several counties and towns and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests, except as to certain counties therein named.

To regulate the publication of legal notices in the county of Mobile.

To repeal an act entitled "an act to amend an act to regulate the publication of legal notices," approved October 10th, 1868.

To establish an election precinct in the county of Marengo, to be known as "Nixon's Store."

To confer upon married women under twenty-one years of age, the same rights and obligations in law and equity as is possessed by married women over twenty-one years of age.

To change the line between the counties of Tallapoosa and Lee.

To change the boundary line between Lee and Tallapoosa counties, so as to include the north-east quarter of section 14, and the east half of section 15, township 20, range 24, in Lee county.

INDEFINITELY POSTPONED.

To abolish the county court of Wilcox county.

To repeal an act entitled "an act to suppress murder, lynching and assaults and batteries," approved December 28, 1868, so far as the same relates to Choctaw county.

To repeal an act to suppress murder, lynching, assaults and batteries, in so far as the same relates to the county of Calhoun.

To require the supreme court to reinstate upon the docket of said court, (upon certain conditions therein named,) a certain appeal from the circuit court of Limestone county.

To allow parties making publications in newspapers as required by law, to publish in any newspaper such party may designate, so far as applies to the county of Jackson.

To change county boundaries of Barbour and Russell.

To repeal an act entitled "an act to regulate the publication of legal notices in the counties of Shelby, Walker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence," approved March 3d, 1870, so far as relates to the counties of Dale, Jefferson, Shelby and St. Clair.

To regulate the office hours, for the sale of tickets to the traveling public on the said roads in the State of Alabama.

To amend an act for the relief of laborers and employers.

To compel probate judges and other county officers in each and every county in this State, to give as sureties on their official bonds, persons residing in their respective counties.

To prohibit the sale or giving away of any intoxicating liquors within one mile of the works of the Chewacla Lime company, in Lee county.

To define the meaning of words and terms used in the acts of the General Assembly, passed at the sessions of 1868, 1869, 1870, 1871 and 1872, and hereafter to be passed.

To abolish the county court of Bullock county.

To repeal an act entitled "an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties."

To authorize the issuance of possessory warrants in certain cases.

To prohibit the sale or giving away of spirituous liquors within two miles of Little Zion church in Montgomery county.

To amend section 3706 of the Revised Code.

REPORT ADVERSE, AND CONCURRED IN.

To repeal sections 2534, 2535, and 2536 of the Revised Code.

To prohibit the unlawful injury to animals.

To restrain the tax collector of Butler county from collecting the taxes assessed for 1871 for county purposes in said county, until the 1st day of May, 1872.

To restrain the commissioners court of Butler county from levying a tax for county purposes, of more than fifty per cent. on the present State tax.

To prevent railroad companies in this State from discriminating between local and through freights.

To regulate sales by the sheriffs of this State.

To amend section 1285 of the Revised Code.

To repeal an act entitled "an act to authorize the commissioners of revenue for Mobile county to elect the tax assessor for said county, and remove said assessor.

Requiring the justices of the peace of Marion county to act as apportioners and supervisors of public roads in their respective beats.

To require county superintendents of free public schools in this State to keep the public funds of each township separate and distinct.

To establish a city court in the county of Lee, with criminal and civil jurisdiction, &c.

To repeal an act for the suppression of secret organizations of men organizing themselves for the purpose of committing crimes and outrages, approved December 26th, 1868, so far as it applies to the counties of Madison and Henry.

To amend section 2568 of the Revised Code.

To amend section 3306 of the Revised Code of Alabama.

To repeal chapter seven of title three, of part four of the Revised Code.

To declare valid the acts of notaries public in certain cases.

To amend section 1402 of the Revised Code.

To repeal an act entitled "an act to suppress murder, lynching and assaults and batteries."

To repeal an act entitled "an act to suppress murder, lynching and assaults and batteries," approved December 28th, 1868, so far as the same relates to the county of Blount.

To amend section 1860 of the Revised Code.

To define and restrict the operation of the exemption laws of Alabama.

BILLS, JOINT RESOLUTIONS, MEMORIALS &c,

INTRODUCED IN SENATE DURING SESSION OF 1871-72.

By Mr. BARR—
1871.

Dec. 9. Joint resolution proposing a joint committee to take into consideration the subject of the interest of the State as involved in her connection with the Alabama and Chattanooga railroad company.

11. To authorize the governor to make a temporary loan to pay the current expenses of the State. Passed.

16. To create and maintain a steam ferry between the city of Mobile and the eastern shore of Mobile Bay. Report adverse, and concurred in, January 31.

1872.

Jan. 15. For the relief of all officers and soldiers of the late Confederate army from certain pains and penalties.

18. To amend an act incorporating the Selma, Marion & Memphis railroad company.

Feb. 5. To establish the agricultural and mechanical college of the State at Florence, in Lauderdale county, Alabama.

10. For the relief of Young C. Hall, administrator of the estate of Charles Hall, deceased, late of Baldwin county. Passed.

Memorial and joint resolution of the general assembly of Alabama for a grant of lands in aid of a canal. Adopted.

13. Making an appropriation to pay for the distribution of the acts and journals of the present session of the general assembly. Passed.

17. Joint resolution to pay J. B. Johns for work done in the Senate chamber and the hall of the House of Representatives. Passed.

22. Joint resolution to authorize the secretary of State to give to each judge and solicitor of the State a copy of Smith's Condensed Reports. Adopted.

By Mr. BROMBERG—

1871.

Nov. 21. Petition of Charles A. Bradford, of Mobile, for compensation as witness before the Senate judiciary committee. Bill reported and passed November 24.

24. To amend an act to incorporate the Firemen's club of Mobile. Report adverse and concurred in December 9.

Dec. 6. To regulate the mode of obtaining grand jurors for the city court of Mobile, and prescribing the qualification of such grand jurors. Passed December 13.

To regulate the return of venires and the service of list of jurors in trials for capital offenses. Amended and passed December 13.

7. To encourage the investment of moneys in this State by life insurance companies of other or foreign States. Passed December 9.

13. For the consolidation of the Mobile and Northwestern railroad companies of Alabama and Mississippi, and to ratify the same. Passed January 29.

To ratify and confirm the action of the municipal authorities of the city of Mobile in reference to the Mobile & Northwestern railroad. Passed January 29.

14. For the protection of the holders of lottery certificates or tickets. Passed January 31.

For the security of lottery certificates or tickets. To prohibit the sale of spirituous, vinous, or malt liquors within two miles of Kennedale cotton mills, in Tuscaloosa county. Amended and passed.

1872.

Jan. 15. Joint memorial to the congress of the United States for the extension of the time to make location of swamp and overflowed lands for the State of Alabama. Adopted.

Joint resolution to the congress of the United

States asking a grant of public lands to aid the construction of the Mobile and Northwestern railroad. Adopted.

24. To secure the payment of costs in the county of Mobile. Passed.

To repeal an act of the board of education of the State of Alabama, entitled "An act to provide for the education of white teachers," approved December 20, 1871.

Memorial by the president of the Tennessee & Warrior rivers railroad company to the general assembly of Alabama.

25. For the support of the State library. Amended and passed.

27. A petition. Refused.

Feb. 5. Supplemental to the laws relating to life insurance companies not chartered by the laws of this State and doing business in it. Amended and passed.

5. The reciprocal general insurance act of the State of Alabama. Passed.

7. For the relief of the tax collector of Tuscaloosa county. Passed.

For the relief of Robert Townsend Dade, Charles Townsend Dade and Harry Mitchell Dade, minor children of Robert T. Dade, deceased, late of Mobile county.

10. To confer civil jurisdiction upon the city court of Mobile. Passed.

13. To reimburse the State for all sums paid out for interest upon the indorsed bonds of the Alabama & Chattanooga railroad company, and the expenses incurred in paying said interest, and the cost of litigation incident thereto. Ordered to a third reading February 26.

17. To enable stockholders of private corporations to dissolve their charters.

19. For the relief of the medical college of Alabama at Mobile.

21. To secure to the United States land receiver and register at Mobile the amounts due them by the State for entering the patents for swamp and overflowed lands. Amended and passed.

22. To provide for the reduction of the liabilities of

the State of Alabama by the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of the State indorsement heretofore authorized, of the bonds of various railroad companies entitled thereto.

By Mr. BUCKLEY—

1871.

Dec. 14. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within three miles of Bethany Baptist church and Collierine academy, in Lowndes county.

1872.

Jan. 11. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within four miles of Hopewell Baptist church and Magnolia academy, in Lowndes county. Passed.

Jan. 24. For the relief of Robert Townsend Dade, Charles Townsend Dade and Harry Mitchell Dade, minor children of Robert Townsend Dade, deceased, late of Mobile county. Passed.

Supplementary to an act to encourage the investment of money in this State by life insurance companies of other or foreign States. Passed.

By Mr. COON—

1871.

Nov. 22. Joint resolution proposing a joint committee to investigate the condition and history of the State penitentiary. Adopted.

Dec. 4. For the relief of John S. Corbin. Report adverse and concurred in, December 7.

Dec. 9. For the relief of the tax collector of Dallas county. Passed.

Dec. 13. Supplementary of the several acts incorporating the Selma and New Orleans railroad company and immigration association.

Dec. 17. Relating to the Selma, Marion and Memphis railroad company.

To relieve the Alabama Central railroad (late Selma and Meridian railroad) from certain penalties incurred in regard to State and county taxes.

1872.

Jan. 22. To ratify and confirm a subscription made by the county of Dallas to the capital stock of the Selma and Gulf railroad company. Passed January 25.

For the relief of John B. Davis, late tax collector of Greene county. Laid on the table for the present.

Jan. 27. To enforce the rights of citizens of this State to vote in the several counties, cities, townships, school districts, municipalities, or other territorial subdivisions of the same.

Jan. 31. To settle the accounts of the commissioner of lotteries.

Feb. 1. To protect the interest of the State in the Alabama and Chattanooga railroad.

Feb. 3. For the relief of purchasers under sales made by order of the probate court.

Feb. 10. To authorize the Selma and New Orleans railroad company and immigration association to merge into any railroad company with which it is now, or may hereafter be connected.

Feb. 13. Joint resolution. Amended and adopted.

Feb. 15. To authorize Moody H. May, administrator *de bonis non* of the estate of Robert Carlisle, deceased, to sell certain lands belonging to said estate, in Baker county. Passed.

Feb. 17. To prohibit the sale of spirituous, vinous or malt liquors within two miles of Orrville, Dallas county.

Feb. 22. To authorize and empower the mayor and council of the city of Selma to establish and provide a sinking fund for the payment of the bonded debt of said city. Passed.

To repeal section 51 of an act to establish a new charter for the city of Selma, approved December 4, 1868. Passed.

Feb. 24. To amend the second section of an act to amend section eleven (11) of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State.

By Mr. FARDEN—

1871.

Nov. 21. Joint resolution for the removal of all political disabilities by the Congress of the United States. Referred to a select committee.

27. For the relief of certain railroads. Passed December 7.

To repeal an act entitled "an act to regulate the system of public schools in the county of Mobile." Report adverse and concurred in December 7.

Making appropriations for the fiscal year ending September 30, 1872. Amended and passed December 11.

Joint resolution proposing a joint committee to consider necessary amendments to the revenue laws. Lost.

11. To regulate the time of holding the courts in the second judicial circuit. Passed.

13. To amend an act entitled "an act to amend section 8 of an act entitled an act to create a new county to be called the county of Baker," approved March 2, 1871. Passed.

Dec. 18. To authorize the judge of probate of Montgomery county to take jurisdiction of the estate of Charles H. Molton, deceased, late of Elmore county. Passed.

1872.

Jan. 11. For the relief of N. Y. Wadsworth of Autauga county of non-age. Passed.

To amend an act entitled "an act to make the circuit clerk of Autauga county *ex officio* clerk of the county court of said county." Passed.

13. To amend section 1 of an act entitled "an act to relieve the disabilities of persons against whom a divorce from the bonds of matrimony has been decreed."

Supplemental to an act entitled "an act to relieve and regulate the finances of the State." Passed February 23.

18. To amend section 1186 of the Revised Code of Alabama.

22. To fix the times of holding elections in certain cases.

- Making an appropriation for the purchase of two hundred copies of Hodgson's Manuel for 1871. Amended and lost January 24.
- To amend sections 1 and 2 of an act to incorporate the South and North Alabama railroad company. Amended and passed February 15.
- To provide for the disposal of the funds arising from the sale of the public lands granted to the State of Alabama for a college for the benefit of agriculture and the mechanic arts. Ordered to a third reading February 19. Passed February 26.
- Joint resolution for the appointment of a joint committee to inquire into the condition of the penitentiary convicts employed on the public works of the State, to visit the public works and send for persons and papers. Laid on the table for the present.
- To amend paragraph 2 of section 2889 of the Revised Code of Alabama.
- To aid the Montgomery fire companies.
24. Allowing fees and mileage to coroners' jurors. Passed.
25. To prevent the sale of spirituous liquors within two miles of Hickory Bend church, in Montgomery county. Passed.
- Fixing the salaries of certain State officers therein named.
27. Appointing commissioners to take charge of the interest of the State in the Alabama and Chattanooga railroad.
- To establish the city court of Demopolis.
- Feb. 3. To exempt the judge of probate, register in chancery and attorneys of Elmore county, from the provisions of an act to prohibit attorneys in certain cases from practicing their profession in the probate and chancery courts. Passed.
- To repeal section 1186 of the Revised Code.
- Regulating the receiving of freights by the various railroads centering at Montgomery.
- To prevent illegal voting in Alabama.
5. To make Mrs. Hannah Oppenheimer of Montgomery county, a free-dealer. Passed.

7. To make Mrs. Mary Ellison, a free-dealer. Passed.
To provide for the removal of the county site of Marengo county. Passed.
Conferring certain authority upon the "Alabama Detectives."
10. For the relief of Mary J. Smith of Autauga county. Passed.
To prohibit the sale of intoxicating liquors within three miles of Cowles' Station, in Macon county. Passed.
For the relief of Mrs. Tamah H. Cantrell, administratrix of the estate of John P. Cantrell, deceased, late of Marion county. Passed.
14. To amend section 4342 of the Revised Code. Passed.
To repeal an act for the relief of the Tallassee Manufacturing company No. 1. Laid on the table.
To continue for the present year at agricultural pursuits, the State convicts of the Penitentiary.
Joint resolution for a joint committee to ascertain whether the present session be extended. Substitute adopted.
To prevent illegal voting. Laid on the table.
19. To prohibit the sale of spirituous liquors within two miles of Rehoboth church, in Elmore county. Passed.
21. To authorize John Austin of Morgan county, to sell at private sale the interests of Mary Austin and Jane Edwards, in the estate of Isaac Edwards, deceased. Passed.
To prohibit officers from drawing up the pleadings in suits in which they are to sit in judgment.
To amend the charter of the Wetumpka insurance company.
For the relief of A. J. Green of Coffee county. Passed.

By Mr. FOSTER---
1871.

- Dec. 4. To provide for the completion of the Alabama State tract books, in the office of the secretary of State. Passed December 13.

1872.

Jan. 17. To amend section 2860 of the Revised Code of Alabama. Passed January 29.

24. To repeal paragraph 7 of section 436 of the Revised Code. Passed.

25. To fix the time of holding the courts in the seventh judicial circuit. Passed.

Feb. 1. Joint memorial to the congress of the United States asking postal facilities on the river routes on the Tombigbee and Alabama rivers. Adopted.

By Mr. GLASS—

1871.

Nov. 21. To amend section 15 of an act entitled an act in relation to the chancery courts in the State of Alabama. Passed.

Dec. 7. To repeal an act to incorporate the Society Hill High School, approved January 14, 1858. Passed December 9.

16. For the relief of Samuel N. Brown of Macon county. Passed.

17. To make Mrs. Leah Ann Ward of Macon county a free dealer. Passed.

1872.

Jan. 24. For the relief of William C. McIver, administrator of the estate of Seborn Jones, deceased. Passed.

31. For the relief of the county officers of Macon county, and to provide funds for the prompt payment of the current expenses of the poor-house of said county. Passed.

Feb. 3. To authorize Zachariah Rogers of Macon county to peddle without license. Passed Feb'y 24.

By Mr. HINDS—

1871.

Dec. 4. To provide for holding a term of the chancery court for the 6th chancery district of the northern chancery division. Substitute reported, adopted and passed, December 13.

16. To establish an agricultural and mechanical college at Florence, Lauderdale county, Alabama.

16. Joint memorial of the General Assembly of Alabama, to the Congress of the United States.

By Mr. JOHNSTON—

1872.

Jan. 15. To make the clerk of the circuit court of Hale county, *ex-officio* clerk of the county court of said county. Amended and passed.

17. To make Hale county the 14th district of the middle chancery chancery division of the State of Alabama.

By Mr. JONES—

1871.

Dec. 13. For the relief of James T. Aldridge, executor of Moses Westbrook, deceased, late of Marengo county. Report adverse and concurred in, January 29.

14. To repeal an act to extend the corporate limits of the town of Demopolis, approved October 10, 1868. Passed.

1872.

Jan. 29. To authorize the secretary of State to issue a patent to William L. Bailey. Passed.

By Mr. KING—

1871.

Dec. 16. To authorize certain persons therein named to sell real estate. Passed.

16. To repeal an act entitled "an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence," approved March 3d, 1870, in so far as the same relates to the county of Dale. Amended and passed.

1872.

Jan. 18. To authorize the chancery court at Troy, Alabama, to confirm the sale of lands made by W. H. Parker, Esq., late register in chancery, and to render the conveyance proper or usual, to be executed by the register acting as such at the time of conveyance.

18. To regulate the timber business, such as may be hewed, sawed, or otherwise prepared for market in Alabama.

- 18. For the relief of Lavinia Miller, of Coffee county. Report adverse, and concurred in, January 31.
- 18. To require the probate judges to keep the supreme court reports, the county digests, and all other law books, in the circuit court room during the term of court. Report adverse, and concurred in, January 29.
- 18. For the relief of David W. Brown, of Dale county. Passed.
- 22. For the relief of J. N. and George Walker, of Dale county. Passed.
- 22. To authorize Celia Barborreo, widow of William Barboree, deceased, to sell certain lands in Coffee county, Alabama.
- 29. To authorize the removal of the guardianship of W. A. Gholson to the probate court of Bullock county. Passed.
- Feb. 3. To provide for the removal of the county seat of Morgan county, from Somerville to Decatur, in said county.

By Mr. LAMBERT—
1871.

- Nov. 28. To amend an act entitled "an act to repeal and amend an act to amend and repeal sub-division 10 of section 750, of the Revised Code of Alabama. Passed.
- Dec. 4. To repeal paragraph 4, of section 957 of the Revised Code. Ordered to a third reading, December 6.
- 7. To provide for paying the directors appointed upon the part of the State, in railroads receiving, or that have received the aid of the State in their construction.
- 8. To pay for the legal services of the late General James H. Clanton.
- 9. For the relief of J. W. Veasey, from the disabilities of non-age. Amended and passed.
- 11. To authorize Dr. L. B. Parker, of Coosa county, to sell certain lands therein described and make titles to the same. Passed.

1872.

- Jan. 11. For the relief of E. B. Rainey, of Tallapoosa county. Passed.

Jan. 11. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within two miles of Andrew Chapel, in Coosa county. Passed.

15. For the relief of Mrs. Nancy Vardeman of Coosa county. Passed.

For the relief of Mrs. Hannah S. Pate of Coosa county. Passed.

17. To authorize J. W. McBrayer of Coosa county to sell certain real estate. Passed.

To prohibit the sale, giving away or otherwise disposing of to another, spirituous, vinous or malt liquors within a distance of three miles of the Socapatoy chapel or church house of the Methodist Episcopal church, South, in Coosa county. Amended and passed January 22.

18. To subject the property of defendants in all the cases where judgments and executions have issued and supersedeas have issued, until the final disposition of the supersedeas have been disposed of, when appeals have been taken to the supreme court. Report adverse and concurred in January 31.

22. To encourage the publication of a new edition of Prof. Tuomey's first report on the geology of Alabama. Substitute adopted and passed January 25.

For the relief of the widows in Alabama, created by the late war.

24. To make certain claims preferred claims against Coosa county. Amended and passed.

27. To amend section 11 of an act to furnish the aid credit of the State of Alabama for the purpose of expediting the construction of railroads within the State. Passed.

29. To authorize Martha Pickard to sell or exchange for other lands, certain lands which belonged to Oscar Pickard at the time of his death. Passed.

Feb. 3. To relieve the Savannah & Memphis Railroad Company from illegal assessment of taxes. Passed February 5.

12. To repeal an act entitled an act to incorporate

the town of Blountsville, approved February 7, 1870. Passed.

To authorize Sarah A. Tidwell to sell certain lands. Passed.

By Mr. LENTZ---

1871.

Nov. 25. To prohibit the selling, making or giving away of liquors within two miles of the Lentzville church and school house, in the county of Limestone. Passed.

27. To amend an act entitled an act to fix the time of holding the circuit courts in the 4th judicial circuit.

Dec. 7. To make Mary Eliza Hayes of Limestone county a free dealer. Amended and passed.

By Mr. McAFEE—

1871.

Nov. 29. To prohibit the sale of all intoxicating liquors within two miles of the male and female academy and the Baptist and Methodist churches in the town of Fayetteville, in Talladega county. Passed December 4.

Dec. 4. To change the county line between the counties of Randolph and Lee. Passed.

Dec. 6. To provide for the support of the freedman's hospital, located near the city of Talladega. Passed December 18.

Dec. 13. To prevent the sale of liquors within one mile of Choccolocco bridge, on Truss' ferry road, in Talladega county. Passed.

Dec. 14. To prohibit the sale, gift, or other disposition of intoxicating liquors within three miles of the Alpine Baptist church, at Alpine, in Talladega county, Alabama. Passed.

Dec. 24. To declare the taking and carrying away fruit, apples, peaches, melons, grapes, and all other fruits grown and cultivated in and upon farms, orchards, nurseries, fruit gardens, vineyards, herberies, botanic gardens, vegetable gardens, plant houses, or from any other places and grounds, the property of another, by any person, a misdemeanor, and punishable with fine

and imprisonment, or both, at the discretion of the court trying the same. Amended and indefinitely postponed.

Feb. 7. To prohibit the sale or other disposition of intoxicating liquors within three miles of Mt. Zion Baptist church, Alexandria Methodist Episcopal church, and Alexandria academy, near the town of Alexandria, Calhoun county. Passed.

Feb. 22. To require notaries public to try cases in the beat in which the defendant, or one of several defendants, resides. Passed.

Feb. 24. To confer certain authority upon the "Alabama detectives."

By Mr. McINTOSH—

1872.

Jan. 29. To repeal an act therein named.

Feb. 23. To repeal an act in relation to the issue of county bonds to aid in the construction of railroads.

By Mr. MABRY—

1871.

Nov. 24. For the relief of James R. Burdick, of Henry county. Amended and passed.

Nov. 28. To prevent petit larceny. Report adverse and concurred in, December 6.

Nov. 29. For the relief of delinquent tax payers. Laid on the table.

Dec. 4. Joint resolution proposing amendments to the constitution of Alabama.

Dec. 7. To refund to Barbour county certain amounts of money erroneously allowed from the county tax. Passed.

Dec. 9. To refund to the estate of John N. Copeland, deceased, late of Barbour county, an over payment of taxes for 1870.

Dec. 11. To amend sections 1 and 2 of an act entitled an act to incorporate the town of Clayton, in the county of Barbour, approved December 21, 1841. Passed.

Dec. 13. To authorize and empower the commissioners court of Barbour county to appoint three com-

missioners to lay off and sell certain lots in the town of Clayton, in said county. Passed.

To amend subdivision of section 1502, and to amend section 1503 of the Revised Code of Alabama.

1872.

Jan. 13. For the relief of Daniel J. Campbell, of Barbour county, from the disabilities of minority. Passed.

Jan. 15. To regulate the pay and mileage of the commissioners of Geneva county, and to provide for the payment of the same. Passed.

Jan. 17. To repeal an act to incorporate Pine Grove church, in Barbour county. Passed.

Jan. 22. To prohibit the sale of vinous or spirituous liquors at or within two miles of Liberty church and Central academy, in the county of Barbour. Passed.

To authorize Friendly Grubbs, of Barbour county, to peddle and auction without license. Amended and passed.

Jan. 25. To incorporate the Clayton hook and ladder company No. 1, of Clayton, Alabama. Amended and passed.

Feb. 7. To refund to Mrs. M. J. Lampley certain State taxes improperly collected.

To incorporate the Sandy Ridge church, in Barbour county. Report adverse and concurred in, February 12.

Feb. 10. For the relief of the estate of A. S. Hill, deceased, late of Barbour county. Passed.

Feb. 12. To authorize Asa Blakey, of Barbour county, to peddle in said county without State or county license or tax. Passed.

To prohibit the sale of spirituous liquors within two miles of Sandy Ridge church, in Barbour county. Passed.

Feb. 14. To require the indorsement of the State of the first mortgage bonds of the Eufaula, Abbeville and Gulf railroad company.

Feb. 22. For the relief of Henry F. Shelby, of Lowndes county, of non-age. Amended and passed.

Feb. 24. To prescribe the duties of county solicitors. Ordered to a third reading.

By Mr. MAHAN—

1871.

Dec. 9. To establish an election precinct in Bibb county, to be known as Ashby. Passed.

16. To declare David Wooley a citizen of Bibb county.

• To provide for the permanent location of the line between the counties of Bibb and Baker, and Shelby and Bibb. Passed.

1872.

Jan. 17. To authorize Mrs. Lydia A. Ausburn to sell certain lands therein described. Passed.

To authorize Mrs. Elizabeth C. Prim to sell certain lands therein described. Passed.

To authorize Mrs. Phereby Roberson, to sell certain lands therein described. Passed.

18. To detach the county of Bibb from the tenth judicial circuit, and attach the same to the third judicial circuit, and to regulate the time of holding courts therein. Laid on the table February 26.

29. To authorize Mrs. Lydia J. Holt to sell certain lands therein described. Passed.

By Mr. MARTIN of Russell—

1871.

Nov. 27. To require the holders of treasury notes issued by the commissioners court of Russell county to present them for redemption. Passed.

Dec. 4. To prevent the unlawful killing of any buzzard or carrion crow. Report adverse, but *not* concurred in; bill laid on the table December 11.

To allow tax collectors further time to collect the taxes due the State and the several counties. Report adverse and concurred in December 7.

• 16. To enable the citizens of Russell to raise funds, &c. Passed.

18. To prohibit the sale of spirituous liquors within two miles of Glennville academy, at Glennville, in the county of Russell. Passed.

1872.

Feb. 19. To establish a criminal court for the county of Russell, with criminal and civil jurisdiction. Passed.

24. For the relief of Early Horn. Passed.

By Mr. MARTIN of Tuscaloosa—

1871.

Nov. 21. To authorize the commissioners court of Tuscaloosa county to build a bridge across the Black Warrior river, to appoint trustees thereof, and sell bonds of the county, and to secure said bonds by mortgage. Passed November 24.

22. To require the county treasurer of Tuscaloosa county to pay the fees of the county solicitor in certain cases. Amended and passed November 28.

To fix the time of holding the circuit courts of the third judicial circuit. Passed.

[25. Joint resolution proposing amendments to the State constitution.

27. Petition of E. F. Comegys, of Tuscaloosa. Bill reported and passed December 13.

29. To quiet titles in certain cases.

Dec. 6. To establish a college for the benefit of agriculture and the mechanic arts as a branch of the university of Alabama, pursuant to an act of congress on that subject, approved July 2, 1862.

To amend section 2739 of the Revised Code of Alabama. Passed December 13.

For the relief of Mrs. Priscilla C. Jemison, widow of the late Robert Jemison, of Tuscaloosa county. Passed December 9.

7. To authorize guardians to resign. Passed.

11. To change the boundary line between the counties of Hale and Tuscaloosa.

14. To make Susan L. Lee, of Sumter county, a free dealer. Amended and passed.

1872.

Jan. 13. To exempt certain property from levy and sale under legal process.

17. In relation to the bonds issued by the county of Tuscaloosa county to build bridges over the Warrior river. Passed.

22. To provide for the interpretation, by the supreme court of Alabama, of any statute law of the State, upon application of the governor of the State, or the general assembly, or either house thereof, upon application therefor.

22. To regulate the payment of the fees and allowances due to sheriffs in certain cases.
For the relief of A. J. Tidwell, late tax collector of Fayette county, Alabama. Laid on the table for the present.
24. To enable guardians who reside with their wards in any other of the United States, to rent out the lands of, and receive moneys belonging to, such wsrds in the State of Alabama.
To amend section 1998 of the Revised Code of Alabama.
To authorize William Donelson, as guardian of Laura Boddie, a minor, resident with said ward in the State of Tennessee, to rent out the lands of his said ward, and receive any moneys coming to her in the State of Alabama. Passed.
- Feb. 3. To amend section 636 of the Revised Code.
14. For the relief of Samuel F. Beall, late tax collector of Tuscaloosa county. Passed.
23. To aid the construction of the Columbus, Fayette & Decatur railroad. Passed.
24. To relieve widows over forty-five years of age from taxation in certain cases.

By Mr. MILLER—

1872.

- Jan. 15. For the relief of W. M. Burnett, of Butler county, of non-age.
31. For the relief of Jacob Gibson, of Conecuh county, Alabama, of non-age.
To authorize and empower John C. Donald, a minor, of Conecuh county, to settle with his guardian.
To change the county boundaries between the counties of Escambia and Conecuh.
- Feb. 3. Joint resolution providing for the appointment of commissioners from Alabama to attend an agricultural convention to assemble at Washington city, on the 15th instant. Adopted.
5. To establish an election precinct at Brosby Creek church, in Conecuh county. Passed.
To establish the county seat of Escambia county. Passed.

7. For the relief of E. M. Hughston, of Butler county. Passed.

To provide for appeals from judgments and decrees of probate courts to juries, in certain cases.

9. To amend an act entitled "An act to amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State." Amended and passed February 15.

10. For the relief of B. M. Cartledge, of Butler county. Passed.

To authorize the superintendent of public instruction to sue defaulting county superintendents.

By Mr. OLIVER—

1871.

- Dec. 9. To authorize Thomas M. Knight to erect a mill dam across the Warrior river. Passed.

1872.

- Jan. 22. To tax express companies and to enforce the collection of the same, and to authorize the Southern Express company to pay its taxes for the year 1869, 1870 and 1871.

24. To punish illegal voting in this State.

- Feb. 14. To protect the State in its liability on account of railroads. Passed February 15.

Joint resolution proposing a joint committee to locate the seat of government at Birmingham. Report adverse and concurred in February 26.

24. To regulate the charge for fare and freights on the railroads in this State. Passed.

By Mr. PENNINGTON—

1871.

- Nov. 25. To authorize the governor to raise money by loan or otherwise. Passed November 27.

- Dec. 5. To establish a college at Auburn, Lee county, Alabama, for the benefit of agriculture and the mechanic arts, pursuant to an act of the Congress of the United States on that subject, approved July 2, 1862.

8. Joint resolution to consolidate the committees of the two Houses relative to the establishment

of an agricultural college. Laid on the table.

11. To make a contribution towards the completion of the Washington National Monument.

Joint resolution proposing a joint committee to revise and amend the election laws of this State. Adopted.

16. To make Susan T. Griffin of Lee county, a free-dealer. Passed.

1872.

- Jan. 13. Joint resolution asking a removal of political disabilities generally, as recommended by President Grant. Adopted.

18. To incorporate the Tuskegee Manufacturing company.

To amend the charter of the city of Opelika. Passed.

To declare the office of mayor and aldermen of the city of Opelika vacant. Ordered to a third reading.

29. To amend section 1721 of the Revised Code of Alabama. Passed.

- Feb. 3. Joint resolution proposing to extend the present session of the General Assembly, but not exceeding the 1st day of March. Adopted.

7. To make Mrs. Edith Parker Wilson of Lee county a free-dealer. Passed.

10. To establish and maintain a fish nursery in the State of Alabama. Substitute adopted and passed February 14.

12. Resolution appropriating \$49 50 for the expenses of the select committee to visit the Freedman's Hospital and the Alabama Institution for the Deaf and Dumb and Blind. Adopted.

By Mr. RICHARDS—

1871.

- Dec. 6. For the protection of personal property.

7. Providing for the better and more effectual collection of the taxes within the corporate limits of the town of Camden.

16. Supplemental to an act entitled "an act to relieve and regulate the finances of the State." Passed.

By Mr. ROYAL—

1871.

- Dec. 13. To authorize and require the sheriff of Bullock county to sell property on any Monday in the month. Passed.

1872.

- Jan. 13. For the relief of Thomas H. Mabson, jr. of Bullock county. Passed.

To make Mrs. Matilda Beasley of Bullock county a free-dealer. Passed.

- Feb. 3. To prevent unlawful injury to animals and property.

14. To prescribe the manner in which persons convicted of misdemeanors shall be punished. Passed.

To prohibit the sale of vinous or spirituous liquors within two and one-half miles of Hopewell church, in Bullock county. Amended and passed.

17. To incorporate the Union Springs fire engine company No. 2 of the town of Union Springs, Alabama. Passed.

By Mr. SANFORD—

1871.

- Nov. 25. To require vendors of real estate to have all notes or other evidences of any liens on lands sold, recorded where titles have been executed.

- Dec. 6. To regulate the salaries of certain State officers. To make Eliza J. Starling of Cherokee county a free-dealer. Passed December 9.

9. To insure the pay of laborers and those who furnish supplies on the Alabama and Chattanooga railroad. Report adverse and concurred in December 13.

For the relief of William E. Holleman of DeKalb county. Passed.

To regulate the publication of annual settlements of estates of decedents in the county of Calhoun. Passed December 13.

13. To authorize and require the tax collector of Etowah county to receive the general county tax in county claims, except the tax for special purposes.

1872.

Jan. 11. To amend an act in relation to chancery courts in Alabama.

13. To authorize James A. Law to peddle without license in Cherokee county for one year. Amended and ordered to a third reading.

15. To amend section 12 of an act to make a new charter for the town of Union Springs, Bullock county.

Feb. 3. Supplemental to an act incorporating the town of Oxford in Calhoun county. Passed.

24. To re-district the State into seven congressional districts. Laid on the table.

By Mr. SEVIER---

1871.

Nov. 22. To incorporate the North Alabama Benevolent Aid Society. Report adverse and concurred in November 28.

For the relief of Nellie Crony of Colbert county. Passed November 25.

23. Joint resolution proposing a joint committee on amendments to the State constitution.

25. To regulate the publication of legal notices in the county of Lawrence. Passed November 28.

27. To amend subdivision 7 of section 112 of the revenue laws.

To regulate the time of holding beat elections.

To regulate the working on the public roads in the county of Franklin. Passed.

Dec. 4. To repeal section 34 of an act to regulate elections in this State.

To repeal section 1858 of the Revised Code of Alabama. Report adverse and concurred in December 7.

7. Joint resolution proposing amendments to the constitution of Alabama.

Dec. 4. To direct how a certain judgment recovered by township 6, range 10, west, when collected, shall be paid. Passed.

9. For the relief of A. Devany of Franklin county. Passed December 13.

16. Joint resolution proposing to take a recess from Tuesday, 19th inst., until January 10, 1872.

1872.

- Jan. 17. To relieve Margaret Matthews from making annual settlements as guardian for wards. Passed.
 To repeal an act to amend section 4063, as to the counties of Colbert, Franklin and Lawrence.
22. To authorize G. L. Wingo, a citizen of Colbert county, to auction and peddle without State and county license or tax. Passed.
29. To change the line between the counties of Franklin and Colbert. Ordered to a third reading.
 To repeal section 3617 of the Revised Code of Alabama. Ordered to a third reading.
29. To declare certain persons therein named, free-dealers. Passed.
- Feb. 3. To provide books and stationery for sheriffs. Passed.
3. For the relief of William S. Gray, of Colbert county.
10. For the relief of Henry Pickens Barden, of Colbert county. Amended and passed.
10. To authorize the corporate authorities of the city of Tusculumbia to contribute to the erection of a female academy. Passed.
10. To prevent frauds and errors in the weighing of cotton and other products in the State of Alabama. Passed.
12. To amend an act to incorporate the town of Cherokee. Passed.
19. To amend sub-division seven, of section 112 of the revenue laws. Amended and passed.
21. To repeal an act to allow Wash G. Cain to establish a ferry across the Tallapoosa river.
21. To establish a public ferry across the Tallapoosa river.
22. For the relief of Mrs. Louise Thornton, of Colbert county. Passed.
- Feb. 5. To repeal section 1389 of the Revised Code. Laid on the table.

1871.

- Nov. 22. Securing liens to mechanics, laborers and others. Substitute reported and amended and passed, February 10.

- 24. To protect game. Amended and passed, November 28.
 - 24. To prevent the wanton destruction of fish. Amended and passed, November 28.
 - Dec. 4. To authorize the Governor to subscribe for a map of Alabama. Passed.
 - 9. To amend section 1353 of the Revised Code of Alabama. Passed December 13.
 - 16. For the relief of A. M. Granger. Passed.
 - 16. To compel guardians, executors and administrators to make annual settlements.
- 1872.
- Jan. 22. For the relief of Samuel H. Hardwick, of Montgomery county. Amended and passed.
 - 25. For the relief of the tax collector of Madison county. Passed.
 - Feb. 12. In relation to the extension of certain State bonds. Passed.

By Mr. STEWARD—

1871.

- Dec. 11. In relation to the Selma, Marion and Memphis railroad company. Substitute adopted, and ordered to a third reading December 14.
- 11. To amend an act entitled "an act to incorporate the Selma, Marion and Memphis railroad company." Laid on the table January 29.

1872.

- Jan. 24. To repeal a certain act of the board of education therein named. Substitute adopted, and passed February 21.
- 24. To repeal a certain act of the board of education therein named. Substitute adopted, and passed February 21.
- 24. To repeal a certain act of the board of education therein named. Substitute adopted, and passed February 21.
- 24. To repeal a certain act of the board of education therein named. Substitute adopted, and passed February 21.
- 24. To provide against the evils resulting from the sale of intoxicating liquors in the State of Alabama. Report adverse, and concurred in January 27.

Feb. 10. Relating to the Selma, Marion and Memphis railroad. Read third time and lost, February 15. Reconsidered and passed February 17.

15. To establish an agricultural and mechanical college at Florence, Lauderdale county.

21. To extend the time for the collection of taxes in Marengo and Perry counties, and for the sale of real estate for taxes for the year 1871. Laid on the table.

By Mr. STOW—
1871.

Nov. 21. For the relief of Ann Eliza Shelton of Montgomery county. Substitute adopted and passed November 24.

24. To authorize Benjamin H. Micou, administrator of the estate of Eben Kirk, deceased, to dispose of the real and personal property belonging to said decedent at private sale. Passed November 28.

To amend an act entitled an act to amend and re-enact an act to incorporate the Alabama Savings Bank at Montgomery.

Petition of Taliaferro Page to be reinstated as page of the Senate. Report adverse and concurred in January 31.

Joint resolution proposing a joint committee to inquire into all matters connected with the endorsement of railroad bonds, &c. Adopted.

Dec. 7. To provide for the sale of the lands which belonged to James H. Judkins, deceased, at the time of his death. Passed December 19.

To establish a State board of health. Ordered to a third reading.

13. For the relief of M. F. Rushton, administrator of the estate of W. H. Ellison, deceased. Report adverse and concurred in January 31.

14. To change the line between the counties of Montgomery and Lowndes, so far as to make Franklin Armstrong a citizen of Lowndes county.

To authorize Berry Cooley, guardian of Philip N. Tooley, to sell lot number two, in block 48, according to H. B. Barker's survey of the city of Montgomery, belonging to his said ward, without making application, proof, or obtain-

ing an order of court and making report of said sale, as is usually done. Report adverse and concurred in January 29.

1872.

Jan. 24. To prevent the selling or giving away of spirituous or vinous liquors within three miles of Liberty, Midway and Rehoboth churches in Montgomery county. Passed.

29. To amend section 4 of an act to establish public pounds in Montgomery county. Passed.

To amend section 7 of an act to abolish fencing in certain portions of Montgomery county.

Jan. 31. To protect common road bridges in Montgomery county. Passed.

Feb. 3. To relieve Thomas B. Taylor of Montgomery county from the penalty of double assessment for 1871. Passed.

10. To make Mrs. Malissa A. Smith, wife of Harris J. Smith of Montgomery county, a free dealer. Amended and passed.

For aid by the county of Montgomery to a company to be incorporated and known by the name of "The Montgomery County Railroad Bompany." Amended and passed February 13.

14. For the relief of Presley W. Donaldson of Montgomery county. Passed.

To prevent the wanton destruction of game in the State of Alabama.

17. To authorize Samuel H. Hardwick of Montgomery county to sign certain conveyances. Passed.

To authorize and require the commissioners court of Montgomery county to establish a public pound in township 14, range 20, and south half of township 15, range 20, in Montgomery county. Passed.

By Mr. WISE--

1871.

Dec. 4. To authorize George W. Moore to practice medicine in this State. Report adverse and concurred in December 7. Reconsidered Dec. 18. Substitute adopted and passed January 27.

13. For the relief of certain guards therein named. Passed.

1872.

Jan. 24. To give validity to the proceedings of the several courts of this State between the 11th day of January, 1861, and the 28th day of Sept. 1865.

Feb. 5. To authorize and require the court of county commissioners of the several counties of the State to provide means for the necessary clothing of the indigent pupils of the Alabama Institution for the Deaf and Dumb and the Blind. Amended and passed.

10. To discontinue the Freedmen's Hospital at Talladega, and to provide ways and means for the removal of the patients of said hospital to the respective counties from which said patients were sent. Passed February 12.

By Mr. WHITNEY—

1871.

Dec. 13. Joint resolution proposing a joint committee to investigate the condition and management of the Alabama & Chattanooga railroad. Made a simple resolution of the Senate.

15. (Reported) In relation to the payment of the interest on the bonds of the Alabama & Chattanooga railroad company. Passed.

1872.

Jan. 11. To refund a license tax to Fowler & House, of Montgomery, improperly collected. Passed.

To prohibit the sale or giving away of spirituous vinous, or malt liquors within two miles of the female institute in Athens, Limestone county.

13. To create a lien in favor of railroad and telegraph line contractors. Amended and ordered to a third reading January 24.

To raise a fund for the benefit of the fire companies of Montgomery. Amended and passed January 31.

24. To raise a fund for the benefit of the fire companies of the city of Montgomery.

29. To establish a bureau of insurance.

Feb. 1. Joint resolution for paying the expenses incurred by the Senate committee for investigating the condition and management of the Alabama & Chattanooga railroad. Passed February 2.

3. To enable James Hale, of Marshall county, to practice medicine in Marshall county, free of license of any kind.
12. To protect the interests of the State of Alabama in the Alabama & Chattanooga railroad.
17. To authorize the court of county commissioners of DeKalb county to levy a county tax for the purpose of paying off the indebtedness of said county. Passed.

By Mr. WORTHY—
1871.

Nov. 29. For the relief of Mrs. Sarah E. Hastings, executor of E. M. Hastings, deceased. Report adverse and concurred in December 9.

4. To amend the third and eighth sections of "An act to incorporate the Mobile & Pensacola railroad company." Passed December 18.

For the relief of Solomon Wolff, of Pike county. Passed December 9.

For the relief of Henderson, Murphree & Henderson, of Pike county. Passed December 13.

9. To pay certain witnesses therein named. Passed December 13.

To invite and procure immigration into the State of Alabama. Amended and passed January 29.

11. To allow the commissioners court of Covington county to levy a special. Passed.

13. To re-enact and put in force an act to amend an act to incorporate the Girard railroad company, &c. Passed.

14. To detach from the fourth district of the southern chancery division, and to establish a separate district out of Coffee and Geneva counties, to be known as the sixth chancery district of the southern chancery division of the State of Alabama. Passed.

For the relief of John Post, of Pike county. Passed February 7.

For the protection of holders of policies in life insurance companies doing business in the State of Alabama. Passed.

16. To relieve the Montgomery & Eufaula railroad company from delinquent tax for 1870. Passed.

To change the boundary line between the counties of Pike and Crenshaw. Passed.

1872.

Jan. 11. For the relief of Mrs. Nancy Brown, of Pike county, Alabama. Passed.

13. To relieve Daniel W. Hall, of Montgomery county, of the disabilities of non-age. Laid on the table for the present; taken from take and passed January 25.

To compensate county treasurers.

15. To require chancellors to state in writing the ground upon which their final decrees are rendered. Passed January 31.

In relation to the duties of the clerk of the supreme court. Amended and passed January 31.

17. To enable Mrs. Kansas Murphree, of Pike county, to make titles to certain lands therein named. Passed.

18. For the relief of the securities on the official bond of Simeon D. Wilson, late tax collector of Pike county. Passed February 26.

22 For the relief of Samuel Brown, of Macon county. Amended and passed.

To change the county lines between the counties of Covington and Crenshaw. Laid on the table for the present.

To define the duties of the surgeon-general of Alabama.

24. To authorize William O. Baldwin, of Montgomery, to take out letters of guardianship of the person and property of William O. Baldwin, a minor, &c. Passed.

27. For the relief of Rabun Susan Stow, of Barbour county. Passed.

29. To enable and require receivers of railroads to discharge the duties required of them by law.

To repeal sections 3931, 3935, 3936, 3937, 3938 and 3939 of the Revised Code, so far as the same relates to Covington county. Amended and passed.

For the relief of fruit and sugar cane distillers.

Feb. 3 To authorize A. J. Henderson, administrator of Stephen D. Smilie, deceased, late of Pike county, to sell at private or public sale the city lots

- belonging to the estate of said decedent. Passed
5. To remove and settle the estate of Oliver P. Bes-senger from the county of Coosa to the county of Pike. Passed.
 12. Joint resolution proposing the discontinuance of the freedman's hospital at Talladega, at the close of the current year.
 15. For the relief of the teachers of Coffee county, during the period from 1st of January to 1st of July, 1868. Passed.
- For the relief of the Alabama Central railroad. Passed.
17. To compel purchasers of guano or other fertilizers To pay for them according to contract.
 21. To authorize the Mobile & Girard railroad company to establish and hold its business office in the city of Columbus, in the State of Georgia. Lost.

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